



Ministry of Immigration
and Integration

The Danish
Immigration Service

6/2017

RUSSIA

Citizenship, Living Conditions, Protection from Refoulement and Consequences of Leaving for citizens from the Former Soviet Republics in Russia & Hate Crimes and racially motivated attacks against Non-Slav Citizens in Russia.

Report based on interviews in Moscow and Yekaterinburg, Russia, 3 April to 10 April 2017

Copenhagen, August 2017

Danish Immigration Service

Ryesgade 53

2100 Copenhagen Ø

Phone: 00 45 35 36 66 00

Web: www.newtodenmark.dk

Email: us@us.dk

CONTENT

CONTENT	2
Disclaimer	4
Methodology	5
Abbreviations	7
Useful Russian terms	8
Executive Summary	9
1. Citizenship	11
1.1. Russian Citizenship for citizens of the former USSR.....	11
1.2. Dual Citizenship	12
1.3. Citizenship for stateless persons	13
1.4. Citizenship for refugees.....	14
1.5. Loss of citizenship.....	15
2. Living conditions for people from former Soviet republics without registration in the Russian Federation	16
2.1. Legislation: Registration, residence permit, birth certificate etc.....	16
2.1.1. Registration	17
2.1.2. Residence permit.....	19
2.2. Access to healthcare.....	22
2.3. Access to education.....	23
3. Protection from Refoulement	24
3.1. Protection from Refoulement to former Soviet republics	24
3.2. Pre-Removal Detention Centres.....	25
4. Consequences of migrants leaving Russia and return	26
5. Hate Crimes and racially motivated attacks on non-Slav citizens of the Russian Federation	27
5.1. Background.....	27
5.2. Decreasing incidences	27
5.3. Underreporting.....	28
5.4. Attitudes towards Africans	28
5.5. State Protection.....	28
Appendix 1: Terms of Reference	30
Appendix 2: List of Sources	31

Appendix 3: Information from SOVA-Center on Hate Crimes	32
Short statistics of crimes and punishments.....	32
Appendix 4: Meeting notes	34
Svetlana Gannushkina, Civic Assistance Committee	34
Committee against Torture (CAT)	39
Embassy of Sweden, Moscow	42
Grigory Shvedov, journalist	43
Nurzida Bengier, International Information Center	48
Olga Plykina, Advocate.....	55
SOVA Centre	58
Tatiana Efremova, Civic Assistance Committee, legal adviser.....	62
UNHCR.....	65
Ural House.....	71
US Consulate General in Yekaterinburg.....	76
Western Embassy A in Moscow	79
Western Embassy B in Moscow	81

Disclaimer

This report was written in accordance with the European Asylum Support Office's (EASO) Country of Origin Information (COI) report methodology¹. The report is based on approved notes from meetings with carefully selected interlocutors. Statements from all interlocutors are used in the report and all statements are referenced.

This report is not a detailed or comprehensive survey of all aspects of the issues covered in the terms of reference and should be considered alongside other available country of origin information.

The information contained in this report has been gathered and presented with utmost care. The report does not include any policy recommendations or analysis. The information in the report does not necessarily reflect the opinion of the Danish Immigration Service. Furthermore, this report is not conclusive as to the determination or merit of any particular claim for protection, which will need to be considered on its individual facts. Terminology used should not be regarded as indicative of a particular legal position.

¹ European Union: European Asylum Support Office (EASO), EASO Country of Origin Information report methodology, 10 July 2012: <http://www.refworld.org/docid/4ffc33d32.html>

Methodology

This report is based on interviews with sources in Russia conducted by the Country of Origin Information Division, Danish Immigration Service (DIS) in Moscow and Yekaterinburg, from 3 - 10 April 2017. Furthermore, the report at hand makes use of publications from Landinfo and EUDO CITIZENSHIP together with the Russian constitution, relevant Russian legislation and public Russian documents. The present report focuses on the situation for non-Russian citizens in Russia, including the possibility for non-Russian citizens to obtain Russian citizenship, their living conditions in the Russian Federation, protection against refoulement as well as consequences for people from the former Soviet republics without registration leaving Russia. Additionally, the report covers hate crimes and racially motivated attacks against non-Slavic persons in the Russian Federation.

The terms of reference for the mission were drawn up by DIS in consultation with the Danish Refugee Appeals Board as well as a Danish advisory group on Country of Origin Information (COI)². The terms of reference are included at Appendix 1 to this report.

In the process of compiling the report, the delegation consulted 13 sources, comprising of local and international non-governmental organisations (NGOs), a journalist, Western embassies and lawyers. The Danish Embassy in Moscow provided valuable assistance in identifying some of the interlocutors relevant to the terms of reference. The Danish Embassy also provided logistical assistance during the mission. The sources interviewed were carefully selected by the delegation based on their independence, expertise, merit and experience relevant to the mission.

The sources consulted during the mission to Russia are listed in Appendix 2. The interviews were conducted in either Russian or English according to the convenience of the interlocutors. The notes from the meetings conducted in Russian were written in English and the Russian sources edited and approved the notes in English. All the notes of meetings are provided in English in Appendix 4.

The interlocutors were asked how they wished to be introduced and quoted, and all sources are introduced and quoted according to their own wishes. 11 sources are referred to by their name and/or the name of their organisation; in accordance with their own request on this matter. Two sources requested to be anonymous.

The sources consulted were informed about the purpose of the mission and the fact that their statements would be included in a report, to be made publicly available.

The notes from the meetings with the sources were forwarded to them for approval and amendment, allowing the sources to amend or make comment on their statements. All sources approved their statements.

² The group consists of Danish Refugee Council, Amnesty International in Denmark, Danish Institute for Human Rights, Dignity, representatives of two Christian organisations (Danish European Mission and Open Doors), the National Commissioner of Police and the Danish Bar and Law Society (representing asylum lawyers).

The report is a summary of the sources' statements and does not include all details from the meeting notes. In the report, care has been taken to present the views of the interlocutors as accurately and transparently as possible. In this regard, all sources' statements are found in their full extent in Appendix 4 of this report.

The report was finalised in June 2017.

The report is available on the websites of DIS, www.newtodenmark.dk and thus is available to all stakeholders in the refugee status determination process as well as to the general public.

Abbreviations

CAT	Committee against Torture
CIS	Commonwealth of Independent States
COI	Country of Origin Information
DIS	Danish Immigration Service
ECHR	European Court of Human Rights
EAEU	Eurasian Economic Union
FMS	Federal Migration Service of the Russian Federation
GUVM	General Administration for Migration Issues
INN	Personal tax reference number
MVD	Ministry of Internal Affairs of the Russian Federation
NGO	Non-governmental organisation
PMZh	Permanent place of residence
RF	Russian Federation
RMZh	Registration at place of residence
RMP	Registration at place of stay
RVP	Temporary residence permit
RSFSR	Russian Soviet Federative Socialist Republic
SCO	Shanghai Cooperation Organisation
UNHCR	United Nations High Commissioner for Refugees
USSR	Union of Soviet Socialist Republics

Useful Russian terms

The Commonwealth of Independent States (CIS) is a confederation formed in December 1991 by Belarus, Russia and Ukraine. CIS comprises all the former Soviet republics except Estonia, Latvia and Lithuania that have never been a part of been a part of CIS, and Georgia who withdrew from CIS in 2008³.

Compatriots are, according to Russian law, persons and their descendants who live outside the Russian Federation and, as a rule, relate to people who have historically lived in Russia/USSR, have common language, history, cultural heritage, traditions and customs⁴.

The Federal Migration Service of the Russian Federation (FMS) was a federal agency in Russia that implemented the state policy in the field of migration (emigration, immigration), including: Illegal migration, citizenship, registration of individuals etc. In April 2016, the functions of the FMS were transferred and organised under the Ministry of Internal Affairs in the newly established Main Administration of Internal Issues (GUVM)⁵.

INN is a personal identification number that each taxpayer in Russia has to obtain in order to pay all types of taxes and fees⁶.

“Patent” for foreign citizens is a permit to work in Russia for visa-free foreign citizens. In other words, a patent for migrants is a document that is necessary for every foreign citizen who has come to Russia on a visa-free basis, who plans to work legally on the territory of the Russian Federation⁷.

“Polis” is a document that gives a person access to the Russian system of mandatory medical insurance. Individuals who have a polis of the relevant type, have a guaranteed right to receive medical aid free of charge in Russia⁸.

Federal Subjects is the name of the federal administrative entities (regions) within Russia. The country comprises of 85 subjects, categorised as Republics (22), Krai (9), Oblasts (46), Federal Cities (3), Autonomous Oblast (1) and Autonomous Okrugs (4)⁹.

³ Исполнительный комитет СНГ, официальный сайт, О Содружестве Независимых Государств: <http://www.cis.minsk.by/page.php?id=174>

⁴ КонсультантПлюс: Федеральный закон от 24.05.1999 N 99-ФЗ (ред. от 23.07.2013) "О государственной политике Российской Федерации в отношении соотечественников за рубежом", Статья 1. Понятие соотечественника:

http://www.consultant.ru/document/cons_doc_LAW_23178/4733d92796950eff2201181bdbcf75ca68fa7ddc/

⁵ Министерство внутренних дел, Главное управление по вопросам миграции МВД России: <http://guvvm-mvd-rf.ru/>

⁶ КонсультантПлюс: "Налоговый кодекс Российской Федерации (часть первая)" от 31.07.1998 N 146-ФЗ (ред. от 28.12.2016): НК РФ Статья 84. Порядок постановки на учет и снятия с учета организаций и физических лиц. Идентификационный номер налогоплательщика, 7):

http://www.consultant.ru/document/cons_doc_LAW_19671/a7996b6662403761dc20fe3481794c2614d18234/

⁷ Migrantmedia.ru, 07.11.2016, Что такое патент на работу в России?: <http://migrantmedia.ru/trudovoy-patent-na-rabotu-dlya-inostrannykh-grazhdan-poshagovaya-instruksiya-kak-poluchit-rabochiy-patent-migranta/#Chto%20takoe%20patent%20na%20rabotu%20v%20Rossii>

⁸ Прострахование24: ОМС, 2017: <http://prostrahovanie24.ru/med/oms/>

Executive Summary

A small group of citizens of the former Soviet Union still live in Russia without any citizenship and they have not made an effort to be naturalised. A simplified procedure for obtaining Russian citizenship does exist for this group. Since 2006, a special programme for Russian compatriots for repatriation to Russia has been in effect. In general applicants have to apply through a quota system which can be difficult and troublesome. Formally, Russia demands renunciation of former citizenship when applying for Russian citizenship, but this is not enforced in practice.

Even though migrants are welcomed as a workforce in Russia, the general legislation and governance for refugees and migrants are characterised by corruption and often depends on political circumstances. A large, unknown number of refugees and migrants live illegally in Russia. In order to uphold a livelihood, they are often assisted by local migrant communities and human rights NGOs who assist with medical care, legal aid etc. However, migrants from former Soviet republics can easily settle in Russia for a period of time. Specifically migrants from the countries that are members of the Eurasian Economic Union i.e. Armenia, Belarus, Kazakhstan and Kyrgyzstan can via simplified procedures, stay and work in Russia. Migrants from other former Soviet republics have to apply for a work permit (called Patent) which is more difficult as well as more expensive to obtain. A Patent is valid for up to 12 months and can be extended once. For further stay in Russia, migrants have to apply for a temporary residence permit which is granted according to a quota system.

Illegal migrants have access to free emergency medical care. All other medical services have to be paid for. Even though the Russian constitution guarantees free education for all children, children of illegal migrants are often denied access to schools.

When a person has been granted asylum, he/she is, in principal, protected from refoulement from Russia. However, only a small number of people are granted asylum in Russia, of whom very few people originate from the former Soviet republics. There have been reports that Russian authorities have extradited people to their country of origin, in particular to Uzbekistan and Tajikistan, even though they would be at risk of persecution. In some cases regarding Syrian nationals, the Russian courts have overruled or halted a decision for extradition.

If the Russian authorities discover that a person previously has stayed in Russia as an illegal migrant, that individual can risk being deported as well as banned from re-entering the country for a period of time. An illegal migrant will not be able to leave Russia legally, since it will require documents proving legal stay in Russia. If a migrant with prior temporary or permanent residence permit wants to return to Russia, it will be relatively uncomplicated for the person in question to obtain a new permit through a new application, provided that one meets the applicable requirements in this area.

Even though hate crimes and racially motivated attacks in Russia are underreported, there has been a noticeable reduction in the number of attacks since 2007-2010. According to two sources, the primary reason for the decrease is that the police established a centre to combat extremism, hate crimes included. In general, victims of hate crimes do not seek state protection or redress, often due to justified fear of the

⁹ Конституция Российской Федерации, Глава 3, Статья 65: <http://www.constitution.ru/10003000/10003000-5.htm>

authorities. However, socioeconomically advantaged Russian nationals or migrants can possibly seek protection.

1. Citizenship

1.1. Russian Citizenship for citizens of the former USSR

After the collapse of the Soviet Union in 1991, the new Russian state adopted a citizenship law that in many ways proved to be complex although liberal towards citizens of the former Soviet Union. In 2002, Russia introduced a new federal law on citizenship which to some extent meant that citizens from the former Soviet republics that had not previously lived in the Russian Socialist Federal Soviet Republic or the Russian Federation had to obtain Russian citizenship by the general rules of naturalisation¹⁰.

According to UNHCR, chapter eight in the law on Citizenship of the Russian Federation foresees provisions for obtaining Russian citizenship through simplified procedures for former USSR citizens. Two sources advised that, according to the law, persons who resided in Russia before 2002 and who had reached the age of 18 and never acquired a citizenship from another country, are able to get either Russian citizenship or a residence permit¹¹.

On the other hand, one source advised that, according to the law, a native speaker of Russian language has to fulfil three requirements when applying for Russian citizenship:

- The person has to pass an exam in Russian language,
- The person or his/her relatives in direct lineage have to have lived within the present boundaries of the Russian Federation, and
- The person has to prove that he/she have renounced former citizenship or is not a citizen of another country¹².

Several sources advised that requirements for people from the former Soviet republics to obtain Russian citizenship had become more lenient in recent years¹³. Two sources corroborated that the Russian government has a programme on Russian citizenship for compatriots¹⁴ to Russia¹⁵. According to Ural House, the programme has been running since 2006, and in order to enter the programme, an applicant must speak Russian fluently and accept Russian culture as one's own. Ural house noted that applicants for this programme usually obtain a Russian citizenship within one year of stay in Russia.

According to Ural House, the number of granted citizenships is determined through a federal quota system where the Russian regions can influence the number and the profile of recipients, e.g. choice of educational background, professional competencies etc.

Ural House further elaborated that the applicants have to fill out a detailed questionnaire and provide supporting documents. The source mentioned that this process is difficult for many and they often need help by consultants. Furthermore, it may occur that the migration authorities refuse to accept an application for various reasons.

¹⁰ Country Report: Russia, European University Institute, EUDO Citizenship Observatory, July 2012: <http://eudo-citizenship.eu/docs/CountryReports/Russia.pdf>, p.1

¹¹ UNHCR, Olga Plykina, Advocate

¹² Svetlana Gannushkina, Civic Assistance Committee

¹³ Embassy of Sweden, Moscow, Ural House, Grigory Shvedov, journalist, UNHCR, Olga Plykina, Advocate,

¹⁴ For a Russian definition of compatriots – see [Useful Russian Terms](#)

¹⁵ Ural House, Grigory Shvedov, journalist

Ural House stated that applicants for the programme on Russian citizenship for compatriots can live both in Russia as well as abroad. If the applicant lives in Russia, the person must have a temporary or permanent residence permit in order to submit an application. For those living outside Russia, a temporary residence permit will be issued after the applicant's acceptance into the programme.

Three other sources noted that some applicants can face difficulties obtaining Russian citizenship through this programme¹⁶. Grigory Shvedov, journalist stated that some ethnic groups such as Cherkessians, persons from the Middle East and Turkey could face obstacles because the programme was not aimed at such groups. According to Grigory Shvedov, journalist, only a small number of them is able to obtain citizenship and help for settlement.

UNHCR advised that difficulties obtaining additional documents from the applicant's country of origin such as the renunciation of citizenship and certificate of criminal record can also pose a problem, due to the fact that Russian officials can reject an application on grounds of lack of documentation¹⁷.

Additionally, a number of sources advised that the quota system is problematic as the process is lengthy and coupled with difficulties¹⁸. According to International Information Center, it is difficult to be placed on a gross list and noted that a designated commission for citizenship is handling the applications and it can reject an application without giving a reason. The source elaborated that the quota system worked as a scheme for enrichment of the officials and that the system lacked transparency. Furthermore, the source had registered a decline in the granting of citizenship after the Federal Migration Service (FMS)¹⁹ was reorganised under the Ministry of Internal Affairs (MVD) and that the price for filing an application was approximately 60,000 rubles (approximately 865 €) pr. applicant.

1.2. Dual Citizenship

According to the Russian Constitution, article 62: "*a citizen of the Russian Federation may have the citizenship of a foreign State (dual citizenship) according to the federal law or an international agreement of the Russian Federation*²⁰".

However, according to the Russian federal law on Citizenship, article 13 (d): "*Applied to competent authority of a foreign State for renunciation of current another citizenship. No waiver of foreign citizenship is required if this is envisaged by an international treaty of the Russian Federation or the present Federal Law or if the waiver of another citizenship is impossible due to reasons beyond the person's control;*²¹"

According to Svetlana Gannushkina, Civic Assistance Committee, Russia only had an agreement with Tajikistan regarding dual citizenship therefore Tajiks do not need to renounce their citizenship. Previously, a

¹⁶ Ural House, Grigory Shvedov, journalist, Nurzida Bengier, International Information Center

¹⁷ UNHCR

¹⁸ Grigory Shvedov, journalist, International Information Center, UNHCR

¹⁹ Federal Migration Service – see [Useful Russian Terms](#)

²⁰ The Constitution of the Russian Federation: Chapter 2. Rights and Freedoms of Man and Citizen article 62: <http://www.constitution.ru/en/10003000-03.htm>

²¹ Russian Federal Law on the Citizenship of the Russian Federation (with amendments through 28.06.2009) [Russian Federation], N 62-FZ, 28 June 2009, available at: <http://www.refworld.org/docid/50768e422.html>

similar agreement had been in place with Turkmenistan, but the source emphasised that this agreement was obsolete²².

Several sources stated that to obtain Russian citizenship one had to renounce any other foreign citizenship one might have²³. According to three sources, the question of renunciation of previous citizenship was formally important, however, in practice an applicant did not have to renounce their citizenship²⁴.

UNHCR advised that the applicant was responsible to provide documentation concerning renunciation²⁵. Svetlana Gannushkina, Civic Assistance Committee emphasised, that it could be difficult to obtain documentation regarding renunciation of citizenship from their country of origin²⁶.

1.3. Citizenship for stateless persons

According to UNCHR, a census was conducted in 2010, which showed that 178,000 declared that they were stateless. Furthermore, UNHCR advised that this number was higher, due to the fact that 4,000,000 respondents could not answer or refused to answer this question.

One source stated that the majority of stateless persons in Russia were former USSR citizens who did not have any identification documents or had USSR passports that were no longer valid. According to the source, the reason why this relatively small group did not obtain Russian Citizenship was that they either had not made an effort to get naturalised or that they wanted to avoid being drafted to the Russian Armed Forces²⁷.

Two sources stated that those stateless persons who lived in Russia (and/or the Russian Socialist Federal Soviet Republic) prior to 6 February 1992 could without any hindrances be recognised as Russian citizens. However, they would need to prove that they had legal stay in Russia, which could pose a problem for this group²⁸. Olga Plykina, Advocate advised that in most of these cases, the question of legal residency was established before the court.

According to two sources, the law “On Citizenship” of 2002 complicated the procedure for acquiring citizenship for stateless persons. However, the amendments to the law that took place in 2012 (Chapter VIII) allowed several categories of former USSR citizens to acquire Russian citizenship in a simplified way²⁹. Furthermore, the new law determines that stateless persons from the former USSR are not penalised for illegal stay in Russia³⁰. According to UNHCR, approximately 20,000 persons benefited from this law and were granted citizenship.

²² Svetlana Gannushkina, Civic Assistance Committee

²³ International Information Center, UNHCR, Western Embassy B in Moscow, Svetlana Gannushkina, Civic Assistance Committee, US Consulate General in Yekaterinburg,

²⁴ International Information Center, Western Embassy B in Moscow, Svetlana Gannushkina, Civic Assistance Committee

²⁵ UNHCR

²⁶ Svetlana Gannushkina, Civic Assistance Committee

²⁷ Olga Plykina, Advocate,

²⁸ UNHCR, Olga Plykina, Advocate,

²⁹ UNHCR, Olga Plykina, Advocate

³⁰ Olga Plykina, Advocate

UNHCR noted that stateless persons predominantly live in the southern Russian city of Rostov on Don and in the regions Krasnodar Krai, Stavropol Krai, Tyumen Oblast, Moscow city, Moscow Oblast, St. Petersburg and the republic of North Ossetia.

According to the UNHCR, a large number of Armenians had over time settled in Rostov on Don and Stavropol Krai. The Armenians were not necessarily from the conflict in Nagorno-Karabakh, but they arrived in Russia during the 1990s for the purpose of work. UNHCR advised that many Armenians came to Russia without any documents or with USSR passports from Armenia and could technically be stateless persons. However, the source noted that Armenians are able to get assistance in obtaining Armenian citizenship as Armenia has a simplified procedure for obtaining citizenship for ethnic Armenians.

One source noted that, according to Article 12 (r) of the law "On Citizenship" from 2002, a child whose parents are stateless can obtain Russian citizenship, provided the child is born in Russia³¹.

1.4. Citizenship for refugees

According to a number of sources, Russia received several refugees from the former Soviet republics after the collapse of the Soviet Union³². Svetlana Gannushkina, Civic Assistance Committee advised that in 1992, the first wave of refugees came to Russia due to the conflict in the territory of Nagorno-Karabakh. These refugees were Armenian, Russian or mixed Armenian-Russian-Azeri. Approximately 200,000 refugees arrived in Russia, out of which 40,000 refugees came to Moscow.

Until 2002, these refugees experienced major obstacles in obtaining Russian citizenship. In 2002, the deputy chairman of the Supreme Court of the Russian Federation formulated an instruction letter, allowing people, who had been living on the territory of the Russian Federation from 1991 until 6 February 1992, to obtain Russian citizenship through simplified procedures: this group of people only had to prove that they had lived in Russia in this specified period³³.

However, according to Svetlana Gannushkina, Civic Assistance Committee, there are still traumatised families who cannot prove that they resided on Russian territory in the period 1991-1992. Furthermore, legal conditions for these families have worsened since the letter of the deputy chairman of the Supreme Court is no longer enforced. However, the source stated that the number of families affected by these circumstances is relatively low.

Two sources noted that a group of Georgian refugees also arrived from Abkhazia to Russia in 1992-1993³⁴. According to Svetlana Gannushkina, Civic Assistance Committee, these refugees lived illegally in Russia for many years and were not able to obtain Russian citizenship. The interlocutor emphasised that the younger generations of Georgian refugees suffered more than the older generations. The older generation had a Soviet passport, while the younger did not have any passport. Consequently, their stay in Russia was considered illegal, and they had no rights and no possibility of obtaining a Russian citizenship.

³¹ Western Embassy B in Moscow

³² Svetlana Gannushkina, Civic Assistance Committee; UNHCR; Western Embassy B

³³ Svetlana Gannushkina, Civic Assistance Committee

³⁴ UNHCR, Svetlana Gannushkina, Civic Assistance Committee

According to Svetlana Gannushkina, Civic Assistance Committee, the Russian government introduced several new laws in 2012 that improved the rights for refugees and stateless persons fleeing conflicts in the former Soviet republics. This meant that some of the refugees and stateless persons acquired the opportunity of obtaining Russian citizenship. Some of them were able to get a permanent residence permit, while others were unable to obtain any sort of legal stay/permit/residency/residence permit, as they were unable to prove that they did not hold another country's citizenship. Western Embassy B in Moscow noted that many Armenian refugees had obtained Russian citizenship, but there were still some Armenians who lived illegally in Russia. Moreover, the source saw a number of Syrians who had obtained Russian citizenship by naturalisation.

1.5. Loss of citizenship

Two sources stated that the Russian authorities had no authority to deprive a Russian citizen of his citizenship by law, as the Soviet authorities did³⁵.

However, two sources knew of a number of cases where individuals had obtained Russian citizenship at Russian embassies abroad. They were later deprived of their citizenship by the Russian migration authorities because their citizenship was not registered in the Russian databases³⁶. The two sources emphasised that they did not know of cases where a person subsequently was unable to regain their citizenship³⁷.

³⁵ Western Embassy B in Moscow, International Information Center

³⁶ International Information Center, Ural House

³⁷ International Information Center, Ural House

2. Living conditions for people from former Soviet republics without registration in the Russian Federation

2.1. Legislation: Registration, residence permit, birth certificate etc.

Since the collapse of the Soviet Union in 1991, a large number of migrants have arrived in Russia³⁸.

According to numbers from the General Administration for Migration Issues under the Ministry of Internal Affairs^{39 40}, more than nine million people were registered as migrants in Russia in 2016⁴¹. Most of the migrants came from the former Soviet republics, in particular the Caucasus countries (Armenia, Azerbaijan and Georgia) and the Central Asian countries (Uzbekistan, Tajikistan, Kyrgyzstan etc.), as labour migrants⁴².

According to the US Consulate General in Yekaterinburg, migrants from Central Asia were often men who left their families behind and came to work in Russia for a period of time before returning to their countries of origin. The migrants work in many different sectors in Russia, and those without a legal work permit often work in construction, retail, processing, agriculture and transport sectors.

According to several sources⁴³, an unknown, but large number of migrants live in Russia without registration. Western Embassy B advised that in Moscow, migrants were able to live as illegal immigrants for many years. People from the former Soviet republics often had their own communities that provided assistance such as legal aid and access to medical centres etc., organised through their own NGOs. According to Svetlana Gannushkina, Civic Assistance Committee, many people from the former Soviet republics, especially from Uzbekistan and Azerbaijan, lived illegally without registration in Russia. Committee against Torture noted that many migrants, in particular from Central Asia stay and work illegally in Russia. According to International Information Center, up to 60 % of the six million migrants who had obtained permanent residence permit originally came to Russia as illegal immigrants. The US Consulate General in Yekaterinburg mentioned as an example that there were approximately 100,000 illegal migrants in the Sverdlovsk Oblast alone. One source noted that the migrants typically originate from Uzbekistan, Ukraine, Tajikistan, Kyrgyzstan, Kazakhstan, Armenia and Azerbaijan⁴⁴.

One source stated that the migrant industry is a lucrative business for Russia⁴⁵. Committee against Torture noted that employers of the Russian companies seem to prefer to hire illegal migrants as employers can more easily control them and subject them to poor working conditions. Additionally, illegal migrants are salaried significantly less than Russians citizens⁴⁶. The indifference of migrants' rights goes up to the top level of the government. According to Svetlana Gannushkina, Civic Assistance Committee, the government

³⁸ Mary Elisabeth Malinkin: Russia: The World's Second-Largest Immigration Haven, 10. August 2014, <http://nationalinterest.org/blog/the-buzz/russia-the-worlds-second-largest-immigration-haven-11053>

³⁹ In Russian: Главное Управление по Вопросам Миграции МВД России

⁴⁰ Previously Federal Migration Service – See [Useful Russian Terms](#)

⁴¹ Russian Ministry of Internal Affairs: Summary of the main indicators of the migration situation in the Russian Federation for 2016: <https://xn--b1aew.xn--p1ai/Deljatelnost/statistics/migracionnaya/item/9266550/>

⁴² Landinfo: Respons Russland: Migranterer situasjon, 29. mars 2016, http://www.landinfo.no/asset/3328/1/3328_1.pdf

⁴³ Western Embassy A in Moscow; Svetlana Gannushkina, Civic Assistance Committee; Committee against Torture; International Information Center; US Consulate General in Yekaterinburg

⁴⁴ International Information Center

⁴⁵ International Information Center

⁴⁶ Committee against Torture

consists mostly of people with connection to businesses or people who are businessmen themselves. Thus, migrants are welcome to work in Russia because the companies need the work force, but the government has no interest in protecting their rights.

Ural House explained that before the spring of 2016, migration issues were handled by the Federal Migration Service (FMS⁴⁷) that was an independent government agency. But in April 2016, Russia's president Vladimir Putin signed a decree that organised the FMS with the Russian Ministry of Internal Affairs under the new name General Administration for Migration Issues (GUVM). According to Ural House, the main result of the merge has been that the competences of the staffs had decreased, since many former employees have left the service and been replaced by police officers from other departments with no deeper knowledge of migration issues.

According to a number of sources⁴⁸, Russian migration legislation and governance are characterised by corruption and depends on political circumstances. As a result the situation for migrants in Russia is repeatedly changing. There are no legal course of action towards migrants and the laws concerning migrants and their conditions are altered frequently⁴⁹. Additionally, every region of the Russian Federation has had its own governance practice and interpretations of the migration legislation⁵⁰.

2.1.1. Registration

According to the federal law "On the Legal Position of Foreign Citizens in the Russian Federation"⁵¹, foreigners including migrant workers, have three types of stay in Russia⁵²:

- Permanent residing foreigners (foreigners who hold permanent residence permit)
- Temporary residing foreigners (foreigners who hold permission for temporary stay)
- Temporary staying foreigners (foreigners who do not have either residence permit; nor permission for temporary stay)

All foreigners, including migrants, have to register at the police in Russia within seven days after arrival. There are two types of registration for foreigners in Russia⁵³:

- Registration at the Place of Residence⁵⁴ (for permanently or temporary residing foreigners), or
- Registration at the Place of Stay / Migration record⁵⁵ (for other foreigners of the third category above, including refugees).

According to Committee against Torture, there are no major problems regarding registration in Russia. Grigory Shvedov, journalist noted that there are certain procedures that migrants must follow to have the

⁴⁷ In Russian: Федеральная Миграционная Служба – See [Useful Russian terms](#)

⁴⁸ Committee against Torture; Ural House; Svetlana Gannushkina, Civic Assistance Committee

⁴⁹ Committee against Torture; Ural House

⁵⁰ Ural House

⁵¹ *Russian Federation: Federal Law No. 115-FZ of 2002 On the Legal Position of Foreign Citizens in the Russian Federation* [Russian Federation], 25 July 2002, available at: <http://www.refworld.org/docid/3ed72b274.html>

⁵² UNHCR

⁵³ UNHCR; Tatiana Efremova, Civic Assistance Committee

⁵⁴ In Russian: Регитстрация по месту жительства

⁵⁵ In Russian: Регистрация по месту пребывания / миграционный учет

paperwork done correctly with the help of human rights lawyers. However, he emphasised that corruption plays a big role in obtaining documents, including registration, in Russia⁵⁶.

On the other hand, an unknown number of migrant workers do not register for different reasons. According to Western Embassy A in Moscow, some of the migrants do not know about this requirement, while others claim that the authorities are not informative regarding this requirement or that the rules are inconsistent⁵⁷.

According to a number of sources⁵⁸, the main problem regarding registration is that every person has to be registered with an address. Tourists will, for instance, most often be registered at a hotel. Labour migrants have to be registered at a physical address such as the apartments that they rent.

However, many landlords are very hesitant with regard to registering migrants as their tenants for different reasons. Firstly, according to one source, discrimination and xenophobia against migrants to some extent play a role⁵⁹. Secondly, some house owners are reluctant to register the migrants because this implies an affiliation with the registrants⁶⁰. According to Svetlana Gannushkina, Civic Assistance Committee, this hesitation to act has its origin in a Soviet mentality in which contact with the authorities was kept at a strictly necessary level.

This is also the reason that the so-called “rubber apartments⁶¹” are still very prevalent, especially in Moscow⁶². “Rubber Apartments” are apartments where a large number of tenants are officially registered, who, in reality, live elsewhere. These types of apartments are predominantly used by migrants from Central Asia and the Caucasus.⁶³ According to Svetlana Gannushkina, Civic Assistance Committee, almost 100 % of the migrants are registered at another address than where they actually live.

Finally, according to Svetlana Gannushkina, Civic Assistance Committee, both landlords and tenants will, in general, most likely experience bureaucratic and legal difficulties or harassment if an apartment is rented out legally. The concept of “rubber apartments” has been an unofficial source of income for the police for many years, because the police have not selectively enforced the registration laws by accepting bribes. This means that if more people register legally, the involved police officers will lose personal revenues. Migrant workers are more often stopped by the police in controls and ID checks and the illegal migrants have to pay bribe in order to avoid deportation. Consequently, many illegal migrant workers avoid any contact with the authorities⁶⁴.

⁵⁶ Grigory Shvedov, journalist

⁵⁷ Western Embassy A in Moscow

⁵⁸ Grigory Shvedov, journalist; Western Embassy A in Moscow; Svetlana Gannushkina, Civic Assistance Committee

⁵⁹ Grigory Shvedov, journalist

⁶⁰ Western Embassy A in Moscow

⁶¹ In Russian: Резиновые квартиры

⁶² Svetlana Gannushkina, Civic Assistance Committee; Grigory Shvedov, journalist; Western Embassy A in Moscow

⁶³ Grigory Shvedov, journalist

⁶⁴ Western Embassy A in Moscow

2.1.2. Residence permit

According to a majority of the sources⁶⁵, there are primarily two types of labour migrants in Russia: migrant workers from countries that are members of the Eurasian Economic Union (EAEU)⁶⁶ and migrant workers from the other CIS Countries⁶⁷.

In general, people from the former Soviet republics (excluding Georgia and the Baltic countries) can enter and stay in Russia without a visa for 90 days. If they want to work, they have to apply for a work permit (see 2.1.2.2. Patent), but the rules are more simplified for individuals from countries in the EAEU⁶⁸.

There is a general consensus among the sources that citizens from the countries that are members of the EAEU are subject to simplified rules to enter and stay in Russia⁶⁹. Migrants must have a work contract with an employer either before arrival or within 90 days of stay in Russia. When a migrant is legally employed, they will receive health insurance (called Polis), a personal tax reference number, INN⁷⁰, and supplementary pension savings⁷¹. The term of stay is determined by the period of labour or civil law contract concluded with the employer⁷².

Several sources⁷³ stated that usually, migrants from the EAEU-countries can easily obtain residence permit in Russia. According to Ural House, if migrants from these countries stay legally in Russia, they will not have problems with the authorities⁷⁴. Six sources noted that migrants from the member states of the EAEU are exempted from the more strict rules for ordinary migrants such as obtaining work permit (see 2.1.2.2. Patent), pass exams and medical examinations etc.⁷⁵. Svetlana Gannushkina, Civic Assistance Committee considered that, in general, there are fewer people from the EAEU countries that are in Russia illegally compared to other former Soviet republics and these migrants have fewer problems.

⁶⁵ Svetlana Gannushkina, Civic Assistance Committee; Ural House; International Information Center; US Consulate General in Yekaterinburg; Embassy of Sweden; Western Embassy A in Moscow; Western Embassy B in Moscow

⁶⁶ The Eurasian Economic Union (EAEU) is a union for regional economic integration between the countries Russia, Armenia, Belarus, Kazakhstan and Kyrgyzstan that has existed since January 2015. See <http://www.eaeunion.org/?lang=en>

⁶⁷ Commonwealth of Independent States – former Soviet Republics excluding Georgia and the Baltic states – see [Useful Russian terms](#)

⁶⁸ Tatiana Efremova, Civic Assistance Committee

⁶⁹ Ural House; US Consulate General in Yekaterinburg; Western Embassy B in Moscow; International Information Center; Western Embassy A in Moscow; Embassy of Sweden; Svetlana Gannushkina, Civic Assistance Committee

⁷⁰ INN is a personal tax reference number, in Russian: Идентификационный Номер Налогоплательщика

⁷¹ Ural House; International Information Center

⁷² "Договор о Евразийском экономическом союзе" (Подписан в г. Астане 29.05.2014) (ред. от 08.05.2015) (с изм. и доп., вступ. в силу с 12.02.2017), статья 97, п. 5.:

http://www.consultant.ru/document/cons_doc_LAW_163855/fcf2c38d3616dbe10077fe0638a3c0583855f5cd/

⁷³ Ural House; International Information Center; Svetlana Gannushkina, Civic Assistance Committee; US Consulate General in Yekaterinburg; Embassy of Sweden; Western Embassy A in Moscow; Western Embassy B in Moscow

⁷⁴ Ural House

⁷⁵ UNHCR; US Consulate General in Yekaterinburg; Western Embassy A in Moscow; Western Embassy B in Moscow; International Information Center, Embassy of Sweden

2.1.2.1. Patent

According to several sources, all migrants from visa-free countries to Russia, except migrants from the above-mentioned EAEU countries, arriving to Russia for the purpose of working must apply for the special work permit, called Patent, within the first month after their arrival to Russia⁷⁶.

One source noted that the duration of a Patent can vary from one to maximum 12 months. It can be extended one time for a further 12 months. The field and place of work are written on the Patent Card and it is not possible to change it⁷⁷.

As with other foreigners arriving to Russia, migrant workers must register their place of stay⁷⁸ with the local police within seven days of arrival⁷⁹. If they fail to register in time, their stay in Russia will be considered illegal⁸⁰.

According to International Information Center, the requirements for migrant workers and especially the punishment of violations of these have been toughened since 2016. At present, migrants shall:

- present an international passport,
- specify a place of work in their reason for arrival
- designate their registration period
- pass a mandatory exam in Russian language, culture and history,
- undergo a medical examination, and
- obtain a mandatory social insurance⁸¹.

Several sources stated that migrants in order to obtain a Patent shall pass an exam in Russian language, history and law/basic rights⁸².

International Information Center stated that migrants have to pass the exam and deliver the relevant papers to the immigration authorities within 30 days of their arrival in Russia.

Two sources noted that the tests are conducted by special certified educational centres located in the Russian regions. According to both sources, the applicants could easily obtain a test certificate without actually passing the exam.⁸³ International Information Center highlighted that migrants need documents of certification, however as the system of examinations is corrupted, it is possible to obtain certification without actually taking the exams. The official fee for taking the test in Russian is 1,350 rubles (approximately 20 €), while the exam can be acquired unofficially at a price of approximately 6,000 rubles (approximately 85 €). Ural House noted that the certification papers could easily be bought, so it did not matter in practice, if they actually took the test.

⁷⁶ Ural House; 15/100151, International Information Centre; UNHCR; Western Embassy A in Moscow; US Consulate General in Yekaterinburg

⁷⁷ Western Embassy A in Moscow

⁷⁸ In Russian called Mesto Prebyvaniya (Место Пребывания)

⁷⁹ Ural House; Western Embassy A in Moscow

⁸⁰ International Information Center

⁸¹ International Information Center;

⁸² International Information Center; Ural House; US Consulate General in Yekaterinburg

⁸³ International Information Center; Ural House

According to Grigory Shvedov, journalist, many migrants from the former Soviet republics do not face difficulties in understanding or speaking Russian. However, since Russian Language has been banned in Tajikistan, Tajik migrants often face problems when they come to Russia for work.

Two sources mentioned that migrants applying for Patent also have to pass a medical examination. The official fee is 1,500 rubles (approximately 21 €), while the unofficial price for the medical papers (without the actual examination) is between 2,000 – 5,000 rubles (approximately 29 – 72 €)⁸⁴.

International Information Center stated that migrants have to obtain the medical insurance, called Polis, after acquiring the language examination certificate and medical papers. Migrants can buy a Polis for approximately 700 rubles (approximately 10 €). However, this insurance is worthless and will not cover any expenses. This kind of medical insurance is simply a piece of paper for the immigration authorities, needed in order to obtain the Patent.

According to International Information Center, migrants, applying for a Polis, are personally responsible for registering and paying income tax (this means obtaining a personal tax reference number, called INN). Every month, the migrants working in Russia, have to pay 3,000 rubles (approximately 43 €) in tax regardless of the salaries they make. If they miss one tax payment, the migrants will lose their Patent and will have to re-apply for a Patent again.

According to several sources⁸⁵, migrants on the Patent scheme have to go through a quota system that determines how many migrants could stay in each region of the Russian Federation⁸⁶. Every region can to some degree regulate its own numbers of migrants assigned⁸⁷.

Two sources advised that migrants need a temporary residence permit (RVP⁸⁸) in order to stay beyond the designated period of the Patent. The temporary residence permits, as well as permanent residence permits and citizenship, are awarded to migrants in a quota system⁸⁹.

According to two sources⁹⁰, it is very difficult for migrants to be placed on a gross list for the RVP⁹¹. According to International Information Center, an applicant will have to register for the gross list which can be a rather difficult and lengthy process. Grigory Shvedov, journalist opined that it has become more difficult for migrants to obtain temporary residence permit due to anti-immigration sentiment in general which has affected general conditions for labour migrants as well as the population's attitudes toward this group in the Russian society.

2.1.2.2. Birth certificate

Two sources agreed that people without registration will receive a birth certificate when a child is born in a hospital or a birth clinic⁹². According to UNHCR, stateless persons without registration will get a birth

⁸⁴ Ural House; International Information Center

⁸⁵ Ural House; International Information Center; US Consulate General in Yekaterinburg; Grigory Shvedov, journalist

⁸⁶ Ural House; International Information Center; Grigory Shvedov, journalist

⁸⁷ Ural House

⁸⁸ In Russian: Razreshenie Vremennogo Prebyvaniya (Разрешение Временного Пребывания)

⁸⁹ Ural House; International Information Center

⁹⁰ International Information Center; Grigory Shvedov, journalist

⁹¹ Regarding quota system, see [1.1. Russian Citizenship for citizens of the former USSR](#)

⁹² UNHCR; International Information Center

certificate regardless of their status. If a certificate is not issued, lawyers can intervene and assist with obtaining documentation⁹³. However, Bengsger highlighted that many migrants from Central Asia choose to give birth at home, since it is customary in their country of origin. When the migrants approach a birth clinic, these will charge high fees for issuing a birth certificate, even though clinics are obligated to do so, also for home born children. Not having a birth certificate will often be problematic when leaving Russia, since parents will not be able to prove parenthood, thus risking accusations of kidnapping⁹⁴.

2.2. Access to healthcare

Grigory Shvedov, journalist advised that all Russian citizens have a mandatory insurance policy that is called Polis. This insurance gives access to basic health treatment.

However, almost all sources agreed that illegal migrants or stateless persons only have access to emergency medical service. All other medical services and health care require payment⁹⁵.

According to Olga Plykina, Advocate, children below 18 years receive a free medical insurance. This gives access to some basic medical services. However, when the child turns 18 years, it will only be entitled to emergency medical service while other services are to be paid for. UNHCR stated that only stateless people with temporary residence permit, called RVP⁹⁶, have access to basic medical services, as well as emergency medical care. However, it is not necessarily be free of charge. Western Embassy A in Moscow assumed that if migrants are not registered, their access to health services will be difficult and they will have to make use of unofficial, community networks or bribes. The embassy added that there are some Russian human rights NGOs who provide legal services in order to secure the rights of the migrants, such as access to medical services.

Ural house notes that illegal migrants have to pay for vaccinations as is the case for those migrants who have the work permit, Patent. However, migrants who have a temporary or permanent residence permit do not need to pay for vaccinations⁹⁷.

Several sources⁹⁸ noted that it is possible for illegal migrants to buy health insurance, Polis. According to Ural House, the price of basic insurance is approximately 1,200 rubles (approximately 17 €). International Information Center stated that an adequate Polis would cost from 2,000 – 5,000 rubles (approximately 29 – 72 €). However, the vast majority of the illegal migrants do not prioritise health insurance and choose not to buy it⁹⁹. International Information Center stated that a low-cost Polis does not insure an individual on any level. This means that if migrants have been assisted medically, they have to cover any medical expenses themselves. A comprehensive Polis for children is very expensive; the price is approximately 60,000 rubles (approximately 861 €), a price which is out of reach for those on an average migrant salary¹⁰⁰.

⁹³ UNHCR

⁹⁴ International Information Center

⁹⁵ Ural House; International Information Center; UNHCR; Olga Plykina, Advocate; Western Embassy A in Moscow; Grigory Shvedov, journalist

⁹⁶ In Russian: Razreshenie Vremennogo Prebyvaniya (Разрешение Временного Пребывания)

⁹⁷ Ural House

⁹⁸ Ural House; International Information Center; Embassy of Sweden

⁹⁹ Ural House

¹⁰⁰ International Information Center

Three sources¹⁰¹ stated that migrants from the EAEU countries receive a health insurance free of charge. According to Ural House, when the migrants from the EAEU countries receive the personal tax reference number, INN and begin to pay taxes, they receive the health insurance, Polis¹⁰². International Information Center noted that the EAEU citizens receive the Polis when they have found legal work¹⁰³.

Tatiana Efremova, Civic Assistance Committee highlighted that citizens from the EAEU countries can get a Polis under the same conditions as Russian citizens¹⁰⁴.

2.3. Access to education

According to almost all sources¹⁰⁵, the Constitution of the Russian Federation guarantees children's right to primary education. However, the sources state that children of unregistered migrants in reality have no access to education.

According to Svetlana Gannushkina, Civic Assistance Committee, Russian schools will not accept children of parents without registration.

According to two sources, children of migrants would not have any trouble enrolling their children in public schools, if they are registered¹⁰⁶. Shvedov elaborated that migrants without registration often have to pay bribe.

Two sources noted that there are regional differences in children's access to education. According to Shvedov, the city administration of Moscow has implemented new rules which mean that parents have to register online to enrol their children in Moscow schools. This makes it even more difficult for unregistered migrants, because the online enrolment requires that parents have a permanent residence registration¹⁰⁷ in Moscow¹⁰⁸. According to International Information Center, children's access to education is probably a bigger problem in other Russian regions than, for instance, in Sverdlovsk Oblast¹⁰⁹ which traditionally has many migrants and is therefore more experienced in handling migrants.

According to Olga Plykina, Advocate, stateless persons do not face difficulties in enrolling their children in primary schools¹¹⁰. UNHCR confirmed that stateless children have access to schools. According to UNHCR, there are two types of stateless persons in Russia: those who have the temporary residence permit, called RVP, and those who have a residence permit. Both categories have access to kindergarten and school.

¹⁰¹ Ural House; International Information Center; Tatiana Efremova, Civic Assistance Committee

¹⁰² Ural House

¹⁰³ International Information Center

¹⁰⁴ Tatiana Efremova, Civic Assistance Committee

¹⁰⁵ Svetlana Gannushkina, Civic Assistance Committee; Grigory Shvedov, journalist; International Information Center; Western Embassy A in Moscow; Ural House; Western Embassy B in Moscow

¹⁰⁶ Grigory Shvedov, journalist; International Information Center

¹⁰⁷ In Russian: Постоянное Место Жительства

¹⁰⁸ Grigory Shvedov, journalist

¹⁰⁹ For more on Russian regions – see [Useful Russian terms](#)

¹¹⁰ Olga Plykina, Advocate

3. Protection from Refoulement

A majority of the sources advised that persons who have been granted asylum in Russia would in principal be protected from refoulement from Russia¹¹¹. One source also noted that there had been no reports that the Russian authorities were targeting refugees for the purpose of deportation¹¹².

On the other hand, two sources noted that Russia would not offer any protection against deportation and could deport people to all countries¹¹³. One source noted that Russia previously had deported Syrians to Turkey¹¹⁴.

3.1. Protection from Refoulement to former Soviet republics

Grigory Shvedov, journalist opined that if an extradition request was sent to the Russian authorities from one of the former Soviet republics, the Russian authorities would comply.

According to Western Embassy B in Moscow, Russia signed the Minsk Convention of 1993 which regulates the question of extradition of citizens from the CIS countries¹¹⁵.

Several sources advised that Russia previously had extradited persons to the CIS countries before their asylum application had been processed by the Russian migration authorities¹¹⁶. However, two sources noted that if persons had obtained asylum status in Russia, they would not be extradited¹¹⁷.

Two sources stated that Russia will not grant refugee status to people from Uzbekistan and Tajikistan¹¹⁸. However, UNHCR knew of cases where some people from Uzbekistan were granted temporary asylum status and added that people from the political opposition organisation Group 24 from Tajikistan were not extradited.

Two sources advised that some people had been abducted in Russia and extradited to their country of origin¹¹⁹. According to one source, the abductions were always carried out with the help of the Russian security services in cooperation with a foreign security service and they predominantly involved oppositional profiles from Uzbekistan, Tajikistan and Azerbaijan¹²⁰. However, UNHCR advised that the abductions had stopped after the European Court of Human Rights had ruled against it.

According to UNHCR, extraditions of Armenians and Georgians to their country of origin have decreased. However, the source advised that a bilateral agreement on extradition between Russia and Armenia could exist clandestinely.

¹¹¹ Western embassy B in Moscow, US Consulate General in Yekaterinburg, Ural House, UNHCR, Western embassy A in Moscow, International Information Center, Committee against Torture

¹¹² US Consulate General in Yekaterinburg

¹¹³ Western embassy a in Moscow, Svetlana Gannushkina, Civic Assistance Committee

¹¹⁴ Committee against Torture

¹¹⁵ Commonwealth of Independent States – former Soviet Republics excluding Georgia and the Baltic states – see

[Useful Russian terms](#)

¹¹⁶ UNHCR, International Information Center, Grigory Shvedov, journalist, Committee against Torture

¹¹⁷ UNHCR, Committee against Torture

¹¹⁸ Ural House, Committee against Torture

¹¹⁹ Svetlana Gannushkina, Civic Assistance Committee, UNHCR

¹²⁰ Svetlana Gannushkina, Civic Assistance Committee

Three sources advised that in some cases, the courts had overruled or halted decisions of extradition by the migration authorities for extradition to a third country¹²¹. Furthermore, UNHCR elaborated that rejected asylum-seekers often got their case revoked if they appealed. According to legal support letters of the UNCHR, the court had ruled that Syrians could not be returned to Syria; hence a Syrian could not be deported from Russia. However, the court did not have the authority to grant a person asylum. UNHCR clarified that in these cases Syrians stayed in Russia, but they had no registration and they were not allowed to work and lacked access to medical assistance¹²².

3.2. Pre-Removal Detention Centres

According to two sources, persons without any proper ID or travel documents will most likely be detained in a so-called pre-removal detention centre after a court decision on deportation¹²³. If the applicants have no identification or travel documents, they risk being detained at the detention facilities for a prolonged period of time¹²⁴.

UNHCR stated that the Russian authorities would send an illegal person, who was apprehended on the street, to the centres prior to their deportation from Russia. In case the person is stateless, Russia is unable to deport them to another country. They will most likely stay in a centre for a maximum of two years, in accordance with the Administrative Code of the Russian Federation. There is no hindrance for the authorities to apprehend them again upon release. Such an individual will upon re-arrest again be taken to the court where they will be fined and deported with placement in pre-removal detention centre¹²⁵.

¹²¹ Svetlana Gannushkina, Civic Assistance Committee, Western embassy A in Moscow , UNHCR

¹²² UNHCR

¹²³ Western embassy a in Moscow, UNHCR

¹²⁴ Western embassy a in Moscow

¹²⁵ UNHCR

4. Consequences of migrants leaving Russia and return

One source stated that a person living in Russia without valid identification documents cannot leave the country legally. Therefore, people who leave Russia for Europe will most likely already have documents proving their legal stay in Russia prior to their departure¹²⁶.

Two sources advised that if non-Russian migrants with a Russian residence permit travel from Russia to Europe, it will be fairly easy for them to re-obtain their residence permit when returning to Russia. However, they will have to apply for a new residence permit, if they have been abroad for more than six months¹²⁷.

Two sources stated that a person returning from Europe would be banned from entering Russia if the Russian authorities discovered that they previously had been living illegally in Russia¹²⁸. One source advised that the ban would be valid for five years¹²⁹, while another source indicated ten year validity, although this source considered it was unclear whether the authorities would enforce the entry ban¹³⁰.

¹²⁶ Olga Plykina, Advocate

¹²⁷ Embassy of Sweden, Moscow, Svetlana Gannushkina, Civic Assistance Committee

¹²⁸ Committee against Torture, US Consulate General in Yekaterinburg

¹²⁹ Committee against Torture

¹³⁰ US Consulate General in Yekaterinburg

5. Hate Crimes and racially motivated attacks on non-Slav citizens of the Russian Federation

5.1. Background

According to the Russian organisation SOVA Centre for Information and Analysis which has been monitoring the situation regarding hate crimes and racially motivated attacks in Russia since 2002, hate crimes and racially motivated attacks against non-Slav citizens of Russia were on the rise throughout the 1990s and the 2000s, culminating in the years 2007-2009. SOVA Centre advised that hate crimes and racially motivated attacks were prevalent in Russia already in the 1990s. However, during the 1990s, the perpetrators were not politically organised. In the beginning of the 2000s, ultra-right groups, often consisting of neo-Nazis and skinheads, became more organised and began to play a bigger political role. The situation culminated in the period of 2007-2009 with many racially motivated attacks against non-Russians, often migrants from the Caucasus and Central Asia. In many cases, the attacks had deadly outcomes. Until 2007, the government and the police showed no interest in these groups, however from 2009 and onwards, the situation changed¹³¹.

According to statistics on the open internet site hatecrimes.ru which is administered by both SOVA Centre and Civic Assistance Committee, the most common victim of hate crimes in Russia is a person from Central Asia. Racially motivated attacks against non-Slavic citizens still occur. However there has been a decrease in attacks since the 2000s. Most attacks happen on the streets of the larger Russian cities, with the majority of them taking place in Moscow or Moscow Oblast¹³², and the perpetrators most often use stabbing weapons or clubs against their victims¹³³.

5.2. Decreasing incidences

Several sources¹³⁴ emphasised that the number of hate crimes and racially motivated attacks in Russia has noticeably decreased. According to Grigory Shvedov, journalist, there are two reasons hate crimes against people from the Caucasus has decreased. The police possibly have become better in solving this type of crime and since 2014 the nationalists have been focused on the conflict in Ukraine¹³⁵.

The Committee against Torture stated that hate crimes still are a problem in Russia, but added that these crimes were more prevalent 7-10 years ago when many ultra-right groups were responsible for attacks and murders against non-Slavic people. The Committee against Torture noted that the reason for the decrease is that many of the perpetrators have been sent to prison following the establishment of a police centre to fight extremism. Even though the centre is often used as a repressive tool for the regime, this institution has nevertheless been effective in combating hate crimes and extreme right-wing organisations.

According to SOVA Centre, the main reason for the decline in hate crimes was that the Russian police reorganised in 2007-2008 and altered their approach and methods towards combating hate crimes. Before

¹³¹ SOVA Centre

¹³² For more on Russian regions – see [Useful Russian terms](#)

¹³³ www.hatecrimes.ru

¹³⁴ SOVA Centre; Grigory Shvedov, journalist; International Information Center; Committee against Torture; Svetlana Gannushkina, Civic Assistance Committee; Western Embassy A in Moscow; Western Embassy B in Moscow; US Consulate General in Yekaterinburg

¹³⁵ Grigory Shvedov, journalist

2007, the police often only solved crimes of this sort if a perpetrator was present at the scene or could be found immediately following the incident.

SOVA Centre advised that after 2007, the police established new centres under the name “Directorates for Extremism”, on federal and regional levels to combat extremism, hate crimes included. New technology was introduced, e.g. use of electronic footprint on social media, which made it easier for the police to track hate crime offenders. The result was that the statistics on hate crimes gradually improved even though the centres had different approaches and priorities. For instance, the Moscow branch was better at solving hate crimes than the St. Petersburg branch.

According to SOVA Centre, hate crime offenders are more careful and better to hide from the authorities now unlike in the 2000s where the offenders often openly showed their deeds. Finally, SOVA Centre opined that ultra-right groups suffer from an ideological crisis as these groups are unable to gain popular support on political grounds.

5.3. Underreporting

SOVA Centre emphasised that the official numbers of convictions of hate crimes are not accurate and that underreporting is prevalent, making it difficult to have a full picture of the situation when it comes to hate crimes. SOVA Centre estimates that the real number of hate crimes and racially motivated attacks is three to five times higher than the figures that SOVA Centre has access to. This was exemplified in that if the police have ten cases, normally only two of them would lead to a conviction. SOVA Centre noted that the police do not fail to address these issues. The small amount of convictions can be linked up with the general difficulties the police have in gathering substantial evidence to prove the offenders’ guilt. SOVA Centre opined that the reduction of the official numbers in the statistics is also prevalent in the underreported cases.

5.4. Attitudes towards Africans

According to Civic Assistance Committee which monitors and publishes information regarding hate crimes on their site hatecrimes.ru, a person of African origin is placed high on the list of the typical victim of a hate crime. The Committee against Torture and the US Consulate General in Yekaterinburg opined that it knew of attacks against dark-skinned people. However, the problems were more severe for people from Central Asia.

On the other hand, one source noted that it knew of acts of racism, but that the Russians in general respected Africans due to good historical relations¹³⁶. International Information Center noted that some locals tend to treat people from Africa living in Russia in a negative manner, but that Russians have a good attitude towards people from Africa in general.

5.5. State Protection

According to several sources¹³⁷, victims of hate crimes and racially motivated attacks cannot expect state protection from the authorities. Svetlana Gannushkina, Civic Assistance Committee emphasises that there is no government protection or aid to victims of hate crimes. Many attacks are committed by ultra-right

¹³⁶ Western Embassy B in Moscow

¹³⁷ SOVA Centre; Committee against Torture; Svetlana Gannushkina, Civic Assistance Committee; Grigory Shvedov, journalist; Western Embassy A in Moscow; International Information Center

groups which the state does not target, as it mainly focuses on groups that can pose a political threat. Many victims of hate crimes live in Russia illegally, therefore they choose not to report a crime out of fear of deportation.

Committee against Torture stated that the police are only interested in solving crimes, not provide protection for the victims, therefore state protection does not occur for any crimes in Russia. Grigory Shvedov, journalist noted that victims such as migrant workers can seek state protection, but he also knew of cases where individuals approach the police as victims and nevertheless are subjected to torture. According to International Information Center, a victim of African origin can, depending on the circumstances seek state protection and/or redress but that this often has no effect.

SOVA Centre notes that victims do not want to contact the police because victims do not feel their personal safety would improve by approaching the police or they have justified prejudices against the authorities. People from Central Asia are generally more afraid of being harassed by the police compared to people from the Caucasus. The fear of the authorities also results in victims not seeking assistance at Russian medical clinics as doctors are obliged to report serious injuries¹³⁸ to the police. However, SOVA Centre states that if a victim is insistent towards the police when filing complaint, a case will be opened. The source added that such insistence is mostly reserved for socioeconomically advantaged individuals.

One source stated that, historically, African students have studied in Russia. Many people stayed in Russia after the fall of the Soviet Union and some became Russian citizens either through marriage or simplified procedures. These people will also not go to the police if they are victims of hate crime. However, the source considered that whether or not a person approaches the authorities is dependent on socioeconomic status, such as is the case with ethnic Russians¹³⁹.

¹³⁸ Injuries suspected to be caused by a criminal act

¹³⁹ Western Embassy B in Moscow

Appendix 1: Terms of Reference

- Possibility for RF citizenship for people from the former Soviet republics:
 - Background of people from former Soviet republics residing in the Russian Federation (RF)
 - *How many people from former Soviet republics reside in the RF without RF citizenship since the fall of the USSR?*
 - *With registration – permanent/temporary permit*
 - *Without registration – permanent/temporary permit*
 - Requirements to obtain of citizenship of RF
 - *Profiles, procedures, documents*
 - Facilitated procedures for citizenship for people from former Soviet Republics
 - *Requirements? / Which profiles?*
 - Loss of citizenship
 - *Requirements / Profiles?*
 - Dual citizenship
 - Mixed marriages
- Living conditions for people from former Soviet republics without registration in the Russian Federation
 - Legislation
 - *Registration, residence permit, birth etc.*
 - Access to basic public services for people from former Soviet republics living in RF without registration
 - *Healthcare, education, housing*
- Protection from Refoulement
- Consequences for people from former Soviet republics without registration leaving RF
 - Loss of possibility to obtain permit/registration/rights if relocation to another country?
 - Consequences of time – losing rights over time?
 - Possibility to re-enter Russia again?
- Hate Crimes and racially motivated attacks against non-Slav citizens of the Russian Federation

Appendix 2: List of Sources

- Civic Assistance Committee, Svetlana Gannushkina
- Committee against Torture
- Embassy of Sweden
- Grigory Shvedov, journalist
- International Information Center
- Olga Plykina, Advocate
- SOVA Centre
- Tatiana Efremova, Civic Assistance Committee
- UNHCR
- Ural House
- US Consulate General, Yekaterinburg
- Western Embassy A
- Western Embassy B

Appendix 3: Information from SOVA-Center on Hate Crimes

Monitoring material from the informational-analytical centre "SOVA": <http://sova-center.ru>

Short statistics of crimes and punishments

Data as of 12 March, 2017.

Statistics on victims of racist attacks in Russia

(Divided by groups of victims)

Year	2004		2005		2006		2007		2008		2009		2010		2011		2012		2013		2014		2015		2016**	
	K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B
K - killed, B - beaten & wounded	K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B
In total	50	219	49	419	66	522	94	625	116	501	94	443	44	421	27	213	20	196	24	206	36	134	12	96	9	72
Dark-skinned persons	1	33	3	38	2	32	0	34	2	26	2	59	1	28	1	19	0	26	0	7	0	15	0	6	1	0
Persons from Central Asia	10	23	18	35	17	60	36	95	57	133	40	92	20	86	10	38	8	38	15	62	14	30	5	7	2	22
Persons from the Caucasus	15	38	12	52	15	72	27	77	22	71	18	78	5	45	8	18	4	15	3	28	3	14	0	8	2	1
Persons from the Middle East and North Africa	4	12	1	22	0	11	1	22	0	15	0	2	0	2	0	5	0	2	0	1	0	6	1	3	0	0
From other countries in Asia	8	30	4	58	4	52	9	76	9	40	14	37	3	19	0	15	0	5	0	7	1	5	0	2	1	4
Persons of "non-Slavic appearance"	2	22	3	72	4	69	9	67	13	57	9	62	7	104	1	26	1	15	0	32	2	8	0	10	1	7
Representatives of youth subcultures, antifascists	0	4	3	121	3	119	8	174	3	103	5	77	3	67	1	40	1	57	0	7	0	16	0	17	0	6
Homeless ***	-	-	-	-	-	-	1	3	4	1	4	0	1	3	3	3	6	2	2	3	13	1	3	8	1	1
Russians ***	-	-	-	-	-	-	0	22	3	12	0	7	1	8	1	9	0	5	0	3	0	5	0	0	0	0
Jews ***	-	-	-	-	-	-	0	9	0	6	0	3	0	3	1	2	0	0	0	2	0	1	2	1	0	3
Religious groups ***	-	-	-	-	-	-	0	9	0	6	1	2	0	22	0	24	0	10	0	21	2	12	0	18	0	20
LGBT ***	-	-	-	-	-	-	0	7	1	6	0	0	0	3	0	3	0	12	2	25	0	9	0	9	1	4
Others or unknown	10	57	5	21	21	107	3	30	2	25	1	24	3	31	1	11	0	9	2	8	1	12	1	7	0	4

* Without taking into account the victims of mass fights. Besides the North Caucasus and until 2016 without the Crimea. ** The data is still incomplete. *** Until 2007, these groups were included in the category "Others".

We do not include serious death threats in the table

We know about 6 such cases in 2010, about 10 – in 2011, about 2 – in 2012, about 3 – in 2013, about 2 – in 2014, about 8 – in 2015, about 2 – in 2016.

Guilty verdicts for "crimes of an extremist nature"

In addition to propaganda of hatred and crimes that are directly related to the notion of "extremism" This table includes sentences for ordinary crimes motivated by hatred.

We can evaluate sentences as entirely or rather justified or as entirely or rather unjustified, and sometimes we cannot determine the degree of justification. In each column, the three numbers refer to justified, unjustified and unclear sentences.

Year	Sentences (in which at least one defendant is found guilty)				Convicts (besides those who were send to treatment and nurturing)				Convicts suspended or exempted from punishment			
	Violence	Propaganda	Vandalism	Participation* in a group	Violence	Propaganda	Vandalism	Participation* in a group	Violence	Propaganda	Vandalism	Participation* in a group
2004	9/0/0	3/0/0	-**	3/2/0	26/0/0	3/0/0	-	3/2/0	5/0/0	2/0/0	-	9/0/0
2005	17/0/0	12/1/0	-	2/4/8	56/0/0	15/2/0	-	2/18/19	5/0/0	6/0/0	-	17/0/0
2006	33/0/0	17/2/0	-	3/1/3	109/0/0	20/2/0	-	15/1/3	24/0/0	7/1/0	-	33/0/0
2007	23/0/0	30/1/1	3/0/0	2/0/8	65/0/0	41/0/5	5/0/0	4/0/27	18/0/0	12/0/0	2/0/0	23/0/0
2008	36/0/0	49/2/1	6/0/0	3/0/4	110/0/0	70/3/0	7/0/0	10/0/14	21/0/0	27/3/0	6/0/0	36/0/0
2009	52/0/1	58/3/0	10/0/0	5/12/2	130/0/2	77/4/0	19/0/0	9/25/2	35/0/1	35/1/0	8/0/0	52/0/1
2010	91/0/0	76/8/3	12/0/1	9/7/6	297/0/0	87/9/5	21/0/1	34/7/14	120/0/0	38/5/4	5/0/1	91/0/0
2011	62/1/3	76/6/1	9/0/0	12/7/7	194/4/7	84/7/1	15/0/0	26/12/19	75/4/1	34/2/1	4/0/0	62/1/3
2012	32/2/2	91/3/1	6/0/0	4/8/2	68/4/3	96/10/1	7/0/0	7/22/10	11/0/2	21/5/0	1/0/0	32/2/2
2013	32/1/0	133/7/9	8/0/0	7/8/6	55/1/0	126/7/10	10/0/0	8/16/11	15/0/0	17/3/3	1/0/0	32/1/0
2014	22/0/4	154/4/5	4/0/0	6/8/10	47/0/6	153/4/7	6/0/0	14/21/22	7/0/1	16/2/0	0/0/0	22/0/4
2015	24/1/0	205/13/8	9/1/0	10/15/3	58/1/0	206/15/8	14/1/0	24/43/6	12/0/0	42/5/3	2/0/0	7/1/0
2016***	19/2/0	181/15/5	5/1/0	6/19/2	42/2/0	192/15/5	4/1/0	19/37/0	5/0/0	86/9/2	0/1/0	13/1/0

* Referring to participation in an "extremist community" or in organisations banned for extremism, as well as similar antiterrorist articles.

Data on sentences of members of a number of Islamist organisations in the table have not yet been made.

** A hyphen means that data for this period has not yet been collected.

*** The data is still incomplete.

Appendix 4: Meeting notes

Svetlana Gannushkina, Civic Assistance Committee

About the source

Civic Assistance Committee is a non-profit charitable organisation aimed at helping refugees and forced migrants. It was set up in 1990. From the outset, the organisation has acted as mediator between migrants and official structures providing the former with legal assistance (including in courts), defending their social rights as well as offering humanitarian aid to those in need. Since 2007 it has been helping labour migrants as well.¹⁴⁰

Citizenship

According to Civic Assistance Committee, many people from the former Soviet republics residing in the territory of the Russian Federation in 1991 when the Soviet Union collapsed, experienced problems on all levels in the following years. The problems came in different forms and levels:

In 1992 a first wave of refugees came to Russia due to the conflict in the territory of Nagorno-Karabakh. These refugees were Armenians, Russians or mixed Armenian-Russians-Azeri. Approximately 200,000 refugees arrived to Russia, out of which 40,000 refugees arrived to Moscow.

Until 2002 these refugees had big problems obtaining Russian citizenship. In 2002 the vice chairman of the Supreme Court of the Russian Federation formulated an instruction letter. The letter allowed people, who had been living on the territory of the Russian Federation from 1991 and until 6 February 1992, to obtain Russian citizenship by simplified procedures. They only had to prove that they had lived in Russia in this period.

According to the interlocutor, there are still families who could not prove they resided on the territory in the period 1991-1992. The legal conditions for these families had gotten worse now. However, there were not many of such families. As a rule, these were much traumatised people who had not used the opportunity of legalisation. Now it has been hampered again, because the letter of the deputy chairman of the Supreme Court has been forgotten after his resignation from office

The second wave of refugees came in 1992-1993 when approximately 50,000 Georgians arrived from the conflict in Abkhazia. Approximately 42,000 of the Georgian refugees were not able to obtain Russian citizenship and lived for many years in Russia without passport at all. A little number of people was able to obtain Russian citizenship for money. The Georgian refugees from Abkhazia were living illegally in Russia. Among these the younger generation suffered the most, because in contrary to the older generation who had a Soviet passport, the younger generation could not get any passport, since their stay in Russia was illegal. Furthermore, the conditions for the Georgians who received Georgian passport were even worse, since they had no rights and lost any possibility to obtain Russian citizenship.

¹⁴⁰ For more information, see: <http://refugee.ru/en/about-organization/>

From 2012 Russia introduced several laws that improved the rights for refugees and stateless persons fleeing conflicts in the former Soviet republics. This resulted in that some got access to obtain citizenship and some were able to get a permanent residence permit. However, some did not, since they had to prove that they were not citizens of another country.

According to the law for native speaker of Russian language¹⁴¹, a person applying for Russian citizenship had three steps to pass:

- 1) The applicants had to pass an exam in Russian Language;
- 2) The applicants or their relatives in direct line had to have lived within the present boundaries of the Russian Federation and
- 3) The applicants had to prove that they have renounced former citizenship or were not citizens of another country.

According to the source, this was a good law. However the problem with the law was to obtain evidence that the country of origin accepted the renunciation of its citizenship.

Gannushkina opined that there was suggested a draft of a new law on citizenship. In accordance with this draft, the applicant will not need to receive confirmation of the loss of his previous citizenship. In addition, the applicant's origin borders will expand to the borders of the Russian Empire. With these facilitations, the decision to recognise the native speaker of the Russian language will become the responsibility of the commission for taking the exam. Since the main instrument of limitation in the new proposal lay at the commission, the door for corruption would be even more open than before.

Dual citizenship

Formally there only existed an agreement of dual citizenship with Tajikistan why Tajiks did not need to renounce their citizenship. There used to be a similar agreement with Turkmenistan, but this was no longer the case.

According to the interlocutor, this passage of the law was actually more complex and tricky. Firstly, it was practically possible to reobtain your old citizenship after having obtained Russian citizenship. Secondly, according to Civic Assistance Committee, the authorities sometimes would accept if an applicant gave an attest on the renunciation of citizenship, if it was not true.

Living conditions

The source advised that corruption permeated the everyday life for migrants and other foreigners in Russia. When talking about living conditions for foreigners from the former USSR and other countries, it was impossible not to connect it to the problems of corruption and harassment.

In general, citizens from the countries, who were member of the Eurasian Economic Union, Armenia, Belarus Kazakhstan and Kyrgyzstan, had fewer problems. There were less people from these countries who were in Russia illegally.

¹⁴¹ Federal Law "On Citizenship", Articles 14 part 2.1 and 33.1 (introduced by Law No. 71-FZ of April 20, 2014), <http://www.refworld.org/docid/50768e422.html>

However, many people from other former Soviet republics, such as especially Uzbekistan and Azerbaijan, were living illegally in Russia without registration. Another group was stateless people. These people were particularly vulnerable to corruption and harassment by authorities.

When not complying with the rule of corruption, many of them are being taken to detention centres for foreigners awaiting deportation. According to the law, these people could be held up to two years, before they either had to be released or deported. However, often they could or would not be deported, why they were released after two years. But often they could easily be put to the detention centres again after their release.

Many of the people detained were stateless. They could not be deported, but at the same time they could not stay in Russia. The conditions for stateless convicted criminals and HIV-positive were especially hard. According to the interlocutor, since they could not be deported, they would be in detention for the rest of their lives.

Access to labour market

The ignorance of the migrants' rights went up to the top level of the government. According to the interlocutor, the government had not been interested in talking about migrants' rights. The government consisted mostly of people with connection to business or they were businessmen themselves. Therefore, the migrants could work in Russia, because the companies needed the working force, but the government had no interest in protecting their rights. Furthermore, trade unions were not effective, labour contracts with employees were not concluded.

Access to education

The source advised that almost all higher education was paid for in Russia – even for Russians. Schools would not accept children from parents without registration. Civic Assistance Committee had fought in courts about access to schools. One example was the following: the father was a Russian citizen, but since the mother had status of temporary resident and was not registered where she lived, their daughter could not be allowed to school. This was because the owner of the flat, that the family was renting, did not want to register their tenants.

According to the interlocutor, the authorities violated the Constitution of the Russian Federation which provided free access to education for every child living in the Russian Federation, not only Russian citizens.

Access to housing

According to the interlocutor, there were many problems with migrants' real access to housing, why the problems with the so-called "rubber apartments" were vast. Rubber apartments were apartments where a large number of tenants were registered officially, but they did not live there in reality. Gannushkina stated that almost 100 % of migrants had their registration at another place than where they live.

This also applied to Russian citizens, but the police were less likely to pay attention to the fact that they did not live where they had a registration. If this occurred in one region of the Federation, the law permitted it.

The law allowed Russian citizen to live without temporary registration in an apartment if he has a permanent registration in another apartment that was located in the same subject of the Russian Federation.

That is, a citizen permanently registered in Moscow can rent another apartment in Moscow and not register there.

The owners of the apartments were in general very hesitant to officially register tenants at the authorities. According to the source, many people in Russia still suffer from the soviet mentality where contact with the authorities was kept at a strictly necessary level. Furthermore, if an apartment was rented out in a legal way, bureaucratic, administrative procedures would follow or possible harassment. One of the main problems with the rubber apartment was that it was a source of income for the police. If more people registered legally, the police would lose revenues in bribes.

For the police the nationality of the migrants played a role in their behaviour.

Consequences of leaving

When asked what would happen if a non-Russian citizen with permanent or temporary residence permit left Russia, the source replied that the person would lose the resident status after being absent from Russia in more than six months. The person would have to apply for a new permit as, if it was the first application.

Protection from Refoulement

The source noted that there were in total 598 persons who had status as refugees in Russia. There were approximately 1,000 Syrians and approximately 300,000 Ukrainians in Russia who had temporary asylum status. Ukraine was a unique situation, and the temporary asylum status from Ukraine was being prolonged every year. However, now they were often refused as well.

Gannushkina opined that Russia did not provide protection against refoulement. There were people detained who were ready to be deported. As an example the interlocutor mentioned that a person was detained and awaits deportation. The wife of the detained had brought all the right documents, but the court had nevertheless still sentenced him. The courts had a practice to sentence people, who were caught without documents by the police to deportation, even though they had the legal documents; just not on them at the time of inspection.

On the question on what would happen if a person was a political refugee from another country and arrived to Russia, the source replied that if Russian authorities did not want him, they would send him back, no matter which consequences await the refugee. People could be kidnapped on the street. This always happened with help from the Russian security services as a corporation with foreign security services. People from Uzbekistan, Tajikistan and Azerbaijan were especially exposed to this risk. The interlocutor mentioned an example from 2015 with the Uzbek director, Mirsobir Khamidkariev. He had made a critical film about the Karimov regime in Uzbekistan, for which he was wanted by the Uzbek authorities. He was the only person where a Russian court decided to revoke the refusal of the migration body about him as a refugee and, moreover, grant him refugee status. According to the source, this was the first time that a court not only decided to rule against the Russian authorities, but the court also ordered the immigration service to give him status as a refugee. Meanwhile, before the implementation of the verdict, he was kidnapped on the street, obviously by the security services. He appeared in Uzbekistan, where he was sentenced as a radical Muslim. Mirsobir Khamidkariev was well known to the Civic Assistance Committee. According to the source, he showed no signs of being a radical Muslim; in contrary he was an absolutely secular man in clothes, food and utterances.

When asked whether the court could grant refugee status, if an applicant appeals the refusal of the migration body to grant him asylum, the source stated that the courts could cancel the refusal and oblige the migration body to grant asylum.

Hate crimes

The Civic Assistance Committee has a project with the Russian organisation SOVA that started in 2011. The project had focused on legal aid to victims – often refugees or migrants. Additionally, it monitored the situation of hate crimes which was published on the site hatecrimes.ru. The site showed information on hate crimes based on geography, types of crimes and other circumstances. For example, the data showed that Moscow and St. Petersburg were the most dangerous places in Russia. It also shows that for persons of African origin, transport vehicles were the most dangerous place to be. It also showed if the perpetrator was found and persecuted.

Civic Assistance Committee did not count the numbers of crimes that were reported, because that was the role of SOVA. But, according to the Civic Assistance Committee, the development of hate crimes was less now than in previous years.

According to the interlocutor, there was no government protection or aid to the victims of hate crimes. The only kind of protection, the government could provide, was to investigate the cases. Nevertheless, there were primarily two problems related to this: Firstly, many attacks were committed by more or less organised ultra-right-wing groups. The overall problem was that the state only dealt with groups that were or could be a political threat. That was when the right-wing groups began to attack other groups than immigrants. The ordinary migrant, a refugee or homeless or similar was not considered a threat to society. Secondly, many of the victims were living without registration (illegally), why they often chose not to report the incidents to the police.

However, in cases where the victim would need hospital treatment, the medical staff was obliged to report the incident to the police.

Committee against Torture (CAT)¹⁴²

About the source

The Committee against Torture is Russian non-governmental organisation acting in the sphere of human rights protection. The Committee was founded in 2000 in Nizhny Novgorod by a number of famous Nizhny Novgorod human rights defenders, including the present NGO head Mr. Igor Kalyapin. It was created as a human rights organisation with the purpose of exercising public control over the problem of torture application and violent treatment in Russia and granting professional legal and medical aid to torture victims.

Living conditions

In Russia there was no single legal approach to migrants. This was why in all questions, whether it was regarding living conditions; obtaining documents for registration, citizenship; protection from expulsion of persons out of Russia or dealing with racial motivated attacks from skinhead factions, all depended on political circumstances. In other words, if the action was political beneficial in the eyes of the Russian leadership then the country would fulfil their legal obligations.

When the conflict in Ukraine broke out, Russia helped the Ukrainian refugees from the eastern part of Ukraine that fled to Russia. This was beneficial; since the narrative was that they fled the fascist regime in Ukraine. The Russian authorities helped the refugees by offering them protection, giving them access to employment in Russia and offered them allowances. At first there were no norms in the way the Russian authorities regulated aid or access to dormitories or sanatoriums for the Ukrainians.

But after a while the situation altered and a change in the political circumstances resulted in the fact that the Russian authorities no longer helped the Ukrainian refugees. There were no social benefits, access to healthcare and education stopped. This led to that a large group of the Ukrainian refugees had to go back, since they could not live in Russia anymore. Only the ones, who found work, were able to stay.

This kind of change also happened with refugees from other countries, and not only the former Soviet republics. For instance, if it was beneficial for Russia to help in Syria or with Syrian refugees, then it would help.

It is not done on a formal level and the changes in regulations and rules were not transparent. Technically, there could be formal rules and legislation, but the process underneath in relations to, how the rules and regulations were interpreted, was unclear.

As an example, this also regarded citizenship. Sometimes it would be easy, sometimes it would be difficult.

According to CAT, there were no problems regarding registration in Russia. There was a mandatory language exam which was very simple. In addition, there were courses that helped prepare the applicants before the exam.

Russia mainly received migrants from the former soviet republics.

¹⁴² Committee against Torture has since changed its name to: Committee for the Prevention of Torture

People from the South Caucasus, in Armenia, Azerbaijan and Georgia, in general spoke Russian quite good, why the conditions for migrants from Armenia and Azerbaijan were a lot better than for migrants from the Central Asian countries.

When asked about if Russia received migrants from Syria, CAT advised that Russia had a large group of former students from Syria. When their visa expired they refused to return to Syria because of the civil war. On a formal level, they were to be deported. However, several human rights defenders protested against the deportation. The source was not aware of the destiny of the Syrian students but assumed that they somehow remained in Russia – probably some got refugee status, while other might stayed illegally.

Access to labour market

When asked if persons from different countries of origin were treated equally in Russia, the source opined that there was a difference regarding the country of origin. According to the source, especially migrants from Central Asia often stayed and worked illegally. This problem tended to be structural. Employers seemed to prefer to hire migrants illegally. The reasons for this were many: Firstly, the illegal migrants were easier to manipulate. They received significantly lower salaries. The employers did not need to pay taxes and they did not care about bad working conditions for the migrants.

According to the source, there was already the necessary legislation against social dumping and bad employers, but the laws were easy to circumvent due to corruption. Russian authorities did not look easy on breaking the law, and if caught the employers could get serious penalties. The situation was a vicious spiral, since when the employers paid less; they had more money to pay in bribes to avoid problems at the work place.

Protection from refoulement

In regard to deportations, the source advised that the Federal Migration Service (FMS) previously had deported Syrians to Turkey. CAT also mentioned that citizens of Uzbekistan, Turkmenistan and Tajikistan, who had fled to Russia due to political activities in their homeland, were sent back. However, the source had never heard of persons, who were sent back if they had gotten refugee status in Russia. CAT stated that, according to Russian law, the authorities could not expel persons if they already have refugee status in Russia.

CAT knew of an Azeri family from Nizhny Novgorod who was awaiting deportation because they lived illegally without registration in Russia for more than 20 years. At present, a lawyer was trying to help the family, or at least the children who, firstly, have never been to Azerbaijan and, secondly, are now placed in a centre for children.

Hate crimes

Regarding the prevalence of hate crimes in Russia, the source opined that this was a problem. However, the problem was at its highest 7-10 years ago. At that time there were many extremist organisations in Russia who was responsible for attacks and even murders at non-Slavic people. Many of the perpetrators had been sent to prison.

An important reason for this development was that the police established a centre to fight extremism. Even though it was a repressive tool for the regime, this institution was able to fight hate crimes and extreme right-wing organisations.

According to the CAT, people from the Caucasus experienced fewer problems. The problem of hate crimes was much more serious for people from Central Asia.

CAT did not have special knowledge about dark-skinned victims of hate crimes but knew of attacks against them. According to CAT, the reaction from the authorities in this matter was adequate.

In regard to state protection, the source opined that the police only were interested in solving crimes, not to provide protection for the citizens. This regarded in all matters of police work in Russia. The result was that there was no state protection of victims of hate crimes in Russia, or for any other crimes as well.

Consequences of leaving Russia

On returnees CAT advised, that if a person lived illegally in Russia and they somehow got to Europe, then he would attract more attention on their return to Russia. If the Russian authorities found out, that he was staying illegally in Russia he would be banned from entering Russia for five years for violating Russian Federal law.

Embassy of Sweden, Moscow

Citizenship

According to the source, people from the former Soviet republics had fairly easy access to obtain Russian citizenship.

Dual citizenship

The source opined that there could be problems regarding dual citizenship for Ukrainians.

Regarding Crimea, the source advised that one could find out whether a person in question was from Crimea or not. First of all, one should look at the supporting documents such as internal passport: In the internal passport one could find information about where the person in question had been living. In addition, this could also be found in bank statements and papers of employment. According to the source, these documents could lead you to whether a person in question resided in Crimea or not.

Living conditions

According to the interlocutor, people from the former Soviet Republics had fairly easy access to stay and work legally in Russia. It was even easier for people from countries that were member of the Eurasian Economic Union – Armenia, Belarus, Kazakhstan and Kyrgyzstan. It was more complicated for people from the other Central Asian countries.

There were many Armenians that were living in Russia. This was mainly because it was easy for them to get a residence and work permit.

In general, there was access to healthcare for migrants in Russia. But as was the case for Russians, the migrants too had to pay for medical services.

The source noted that there was access to education for migrants in Russia.

Consequence of leaving

According to the Embassy, if non-Russian migrants travelled from Russia to Europe, it would be fairly easy for them to re-obtain a residence permit when returning to Russia. However, they had to start from the beginning of the process.

Grigory Shvedov, journalist

About the source

Grigory Shvedov, journalist is a journalist & editor in Chief of the online 24/7 news media Caucasian Knot¹⁴³. The source had extensive experience of covering Human Rights in Russia and reports about 20 regions of the Southern Russia, as well as independent countries of the region.

Registration

Regarding registration the source advised that there were particular procedures one could follow to get the paperwork done right. Shvedov noted that a person could address human rights lawyers who would help them obtaining work permits (Patent) and temporary residence permits (RVP). However, the source added, that corruption played a big part in obtaining documents in Russia.

Shvedov stated that for a number of migrants these issues depended on where they resided in Russia. The source added that the so-called rubber apartments¹⁴⁴ were still very prevalent in Moscow. Rubber apartments were predominantly used by migrants from Central Asia and Caucasus. The source further stated that migrants had problems renting ordinary apartments legally, probably due to xenophobia towards Central Asians.

In connection to the Russian Patent, Shvedov opined that obtaining a Patent had become more difficult in recent years. The source knew a number of persons who had left Russia due to difficulties in obtaining a Patent. Some migrants also went back home to their countries of origin after 2014 due to the crisis.

Furthermore, Shvedov noted that labour migrants in the construction sector were getting less, due to a decline in demands on construction in Russia.

According to Shvedov, a lack of knowledge of the Russian language could be a hindrance if one wanted to work in Russia. The source added that in Tajikistan the Russian language was not prevalent anymore due to a ban on the Russian language in the 1990's. In this regard, Shvedov opined that persons from Tajikistan could face problems speaking the Russian language, if they wanted to work in Russia. However, the source advised that difficulties with the Russian language were not a problem for, for instance, most of Armenians. In the source's eyes, Armenians generally spoke Russian quite well.

The Russian government determines every year the quotas of persons who could get a RVP in Russia. The conditions for labour migrants and the attitudes towards this group in the Russian society was somewhat influenced by the anti-immigrant wave that we had seen in many places. Shvedov exemplified this trend by pointing at the Russian blogger and opposition activist Aleksey Navalny, who thought that Russia should enforce a visa regime for persons from Central Asia.

According to the source, prejudices on migrants are prevalent in Russia. He exemplified this by stating ironically that he himself has travelled to the Russian regions, where you apparently should find all these strong Russian men, who cannot get a job, because the migrants "stole" them, but he did not find these

¹⁴³ For more see: <http://www.kavkaz-uzel.eu/> and English page www.caucasianknot.info

¹⁴⁴ Rubber apartments are dwellings (apartments or private houses) in which dozens (sometimes hundreds) of persons are registered, but are not actually living there. Apart from this type of flats, there are rubber apartments where dozens of persons actually live. Source: ASK: Резиновые квартиры: http://ack1.ru/Library/rezinovie_kvartiry.html

strong Russian men there. Furthermore, the source stated, at a number of migrants did not get paid properly, if they were getting paid at all. But migrants work in the regions, far from big cities, as well. Some would like to settle, get citizenship and stay in Russia.

The source mentioned a tragic example from the city of Sochi, where a Russian citizen of Armenian origin was working in the construction sector prior to the Olympic Games in 2014. The man was not paid accordingly to what was promised by the employer and the Armenian construction worker therefore complained. However, instead of getting his promised salary, he got beaten up and raped by the police at the local police station. He was treated as a migrant, who should not be paid. Afterwards, he was treated at a clinic for his injuries, but nevertheless he would never be able to work anymore. A Russian investigation of the case showed that nothing had happened in police custody. According to the investigation, he suddenly just got bad after he was in police custody¹⁴⁵. Furthermore, he was being sued for libel by the authorities. Flowingly the ECHR¹⁴⁶ had opened a case on him, which was still ongoing. Caucasian Knot is following up story of his family, since they live under very hard social conditions and still are having troubles in courts.

Access to Healthcare

All Russian citizens had, according to Shvedov, a mandatory Polis¹⁴⁷, which gave one access to basic health treatment all over Russia.

However, the source opined that non-Russian citizens could encounter difficulties getting such a Polis, although they had a residence permit. The reason for this was in part due to a change of policy in Russia on this field.

Shvedov explained that five years ago the Polis was provided by the state, but nowadays every Polis had to be issued by a private insurance company¹⁴⁸.

When a child is born, they are provided with a temporary Polis. They will later receive a permanent Polis.

At the same time, Shvedov clarified that a person from e.g. Krasnodar could face problems if they had to undergo a complicated eye surgery. Given the complicity of such a surgery one had to go to Moscow, where technical staff and equipment were available. In this regard, a Polis from Krasnodar could be a problem getting access to such a treatment since a special quota exists and one might wait long in the line.

Since private insurance company, most probably, would pay quite different for the treatment in Krasnodar and Moscow. Quite often in Moscow better equipment and staff is available, so many would like to travel to this or other big cities.

¹⁴⁵ See: <http://www.kavkaz-uzel.eu/articles/301753/> + <http://novostink.ru/incidents/48541-smi-v-sochi-policeyskie-lomom-iznasilovali-armyanskogo-rabocheho.html>

¹⁴⁶ European Court of Human Rights

¹⁴⁷ Health insurance

¹⁴⁸ The insurance is provided by the state that check registration, citizenship etc., but the state refer the insurance to the private companies.

Access to education

When asked if migrants faced any problems enrolling their children into public Schools, Shvedov replied that if they had some kind of registration, they would most likely not face any problems. However, they could easily experience problems if they did not have registration¹⁴⁹. In this case they would most likely have to pay a bribe, but as Shvedov emphasised bribery was a part of daily live in Russia.

According to the source, new rules in Moscow, where one had to register online to enrol children into Moscow Schools, had made it difficult for migrants to do so, because this could only be done if one had a permanent residence registration¹⁵⁰. Shvedov opined that this new rule for enrolment was in fact unconstitutional. In Shvedov's view, the Russian constitution was quite liberal in regard to access to education.

When asked if migrants could face any difficulties obtaining external passports, the source replied that if one needed an external passport for one's children, one needed to collect a number of documents such as a birth certificate and a permanent residence permit. But if a person did not have these documents, Shvedov clarified that one might get such documents for app. 1,000 roubles. However, one had to file in a number of papers, to get a passport. On the other hand, if a person was not able to do so for some reason, then they did not enjoy these rights and subsequently could not get a passport.

Furthermore, Russian citizens could travel to Armenia like it is a part of Russia, which meant they could travel on internal passports only and as a result thereof there would be no registration of these travellers, because one could not put a stamp in an internal passport. According to the source, there were a number of Armenian citizens with dual passports, which also was an effect of the fact that the general conditions for Armenians living in Russia had improved.

Protection from refoulement

When asked about whether Russia complied with the principle of non-refoulement, Shvedov opined that Russia would expel persons if such a request were forwarded to the Russian authorities from one of the CIS¹⁵¹ countries. As far as Shvedov knew, there was an agreement signed within the organisation SCO¹⁵², which cooperates on expulsions of persons.¹⁵³

In connection to expulsions from Russia, the source noted that he once had been interviewing a whistleblower from Azerbaijan, who had escaped to Russia. Shortly after the interview he was put in prison by the Russian authorities, after he had applied for asylum. Nevertheless, he ended up in jail before a decision was made in regard to asylum.

¹⁴⁹ A human rights group in Moscow has created a school for migrant children.

¹⁵⁰ The so-called Postoyannoe Mesto Zhitelstva (PMZh), a temporary permit mesto Prebyvanija is not enough

¹⁵¹ Commonwealth of Independent States

¹⁵² Shanghai Cooperation Organisation

¹⁵³ СОГЛАШЕНИЕ о сотрудничестве между правительствами государств - членов Шанхайской организации сотрудничества в борьбе с преступностью, <https://rus.sectSCO.org/documents/>

Citizenship

For compatriots to Russia the laws seemed to have been liberalised in terms of obtaining Russian citizenship. However, different ethnic communities in the Caucasus such as the Cherkessian¹⁵⁴ community, where the majority predominantly lived outside of Russia, could have difficulties obtaining Russian citizenship. In addition hereto, the source mentioned that persons from the Middle East and Turkey also could face difficulties in this regard. Once these persons were trying to obtain Russian citizenship, they would be met with problems, since the law was never meant to include these people. That is why only a small number of them would receive citizenship and help for settlement.

This also posed an issue for Syrian Cherkessians, who wanted to come back to Russia. According to Shvedov, in the opposite way, Hundreds of Cherkessians from Syria moved into different regions in the Caucasus (most probably part of current Assad administration), they listed in the special quotas and hundreds of them are coming to the different regions of the Northern Caucasus.

Apart from this fact one could also see this movement in regard to Syrian Armenians. In recent years the Armenian diaspora were moving to Armenia from Syria, especially from Aleppo.

Hate crimes

The source advised that Russia unfortunately had lot of discrimination. This was most prevalent for migrants working in specific fields; especially in the construction field and on marketplaces.

Furthermore, Shvedov noted that discrimination also occurred on a national level. Certain parts of the labour market in Russia were to some extent divided into different ethnic groups, which were monopolising particular segments of the market due to corruption. For example, road repairs in the Moscow region were done by ethnic Armenians from Georgia. Also some of the marketplaces in Moscow were controlled by Azeris.

In addition to this, Shvedov advised that years ago road repairs and other related works were not subjected to xenophobic actions from Russians. The development of ethnic hatred and xenophobia generated more corruption and made it easier for the organised groups or employers who wanted to exploit the migrants. It was easy to get some specific persons who had no rights, and thus would not argue with you to work. This was the reason why migrant workers were so famous in Russia. They were easy targets for xenophobes and labour slavery¹⁵⁵.

When asked whether migrant workers could seek state protection and redress in Russia, the source noted, that this was a possibility. However, Shvedov was aware of cases, when persons went to the police, and afterwards was subjected to torture.

According to the source, hate crimes against people from the Caucasus was more prevalent. These kinds of crimes had now decreased. The source noted that it could be because the police got better, and/or because

¹⁵⁴ Cherkessians or Circassians are an ethnic group from the North Caucasus which was living in the Northern Caucasus for centuries and as a result of Caucasus war of Russian empire left their homes in 19 century.

¹⁵⁵ Few well reported cases are well know from Moscow, in the Northern Caucasus are mostly known cases not about migrants, on the other way around, labour migrants become victims of slavery. Video report about such a case is available on the Caucasian Knot YouTube page.

the nationalists since 2014 had focused on the events in Ukraine where a large group of nationalists had travelled to the Donbass region for fighting.

Nurzida Bengsier, International Information Center

About the source

Nurzida Bengsier is executive director of the NGO International Information Centre that supports ethnic and religious minorities and works with labour migrant community in the region.

Access to the labour market

According to Bengsier, Traditionally there had not been an acceptance of refugees in Russia in many years. However, the conflict in Ukraine and the influx of Ukrainian refugees to Russia had slowly changed this perception to the better. This had had positive consequences also for other refugees from the former Soviet republics and Syria.

Bengsier stated that when it comes to the situation for migrants in Russia, there is the law on one side, and two different kinds of realities on the other side: The reality for the government officials and the reality for the migrants.

According to Bengsier, in order for labour migrants to obtain a Patent¹⁵⁶, they had to pass an exam in Russian language and deliver the relevant papers to the authorities within 30 days after arrival to Russia. According to the source, the migrants were not able to make it in time.

However, citizens from the EAEU¹⁵⁷ (Kyrgyzstan, Belarus, Armenia and Kazakhstan) were exempt from the language exam, due to the Union's agreement on free travel.

The source added that the EAEU citizens would immediately receive a Polis¹⁵⁸, as far as they had found work through a legal entity. On the other hand, if a person came to Russia on their own without any company to support them, they would need to obtain a Polis by themselves. However, it was the employer's responsibility to make sure that their employers had an insurance Polis.

For all other foreigners (non EAEU) had to undergo medical examinations¹⁵⁹, which officially amounted to 1,500 rubles. The unofficial price for the medical papers was between 2,000 – 5,000 rubles. Hereinafter the migrants needed to pass the aforementioned exam in Russian language, which officially cost 1,350 rubles in duty fee, but unofficially it cost approximately 6,000 rubles.

After a person had passed medical and language tests they needed a medical insurance Polis. It would cost around 700 rubles. However, Bengsier advised that a Polis for 700 rubles was just a paper for the migration authorities, so one could obtain a Patent.

Furthermore, Bengsier noted that labour migrants were personally responsible for paying their income tax the so-called INN¹⁶⁰. The migrants were responsible for registering themselves with the tax authorities and

¹⁵⁶ Work permit

¹⁵⁷ Eurasian Economic Union

¹⁵⁸ Health insurance

¹⁵⁹ The medical examination tests for among other HIV, tuberculosis, plague etc.

¹⁶⁰ Personal tax reference number (Идентификационный Номер Налогоплательщика)

receive the INN-number that makes them able to pay tax. However, the migrants could not register themselves. They had to register on RMZh¹⁶¹ or RMP¹⁶² which costs approximately 2,000 rubles.

The exam in Russian language would be conducted at special educational centres located in the Russian regions (subjects). Moreover, to pass the exam the results had to be sent to Moscow. According to the source, it was less important who took the actual exam and for whom. The basic idea of such an exam was just to use it as a money machine.

An adequate Polis would cost from 2,000 to 5,000 rubles. However, the employer would not take responsibility to get such a Polis for their employees.

Residence in Russia

The conditions for obtaining a residence permit were simplified for the CIS countries, which all had visa-free entry to Russia, except for citizens from Turkmenistan, who need a RVP¹⁶³.

Citizens from CIS countries could stay in Russia for three months without a Patent. It would cost around 15-20,000 rubles to be legally registered in Russia for these citizens. After that, they obtained a Patent and they had to pay approximately 3,000 rubles in tax every month, disregard their personally income. The source added that Government officials believed that this was a small amount.

For six months one had to pay tax on time, if they missed a payment with one day one would have to go back and apply and pay for all needed documents once again.

The source stated that the Polis was fictional and that everybody knew that. A low-cost fictitious Polis did not protect a person against anything, why, if the migrant would need medical assistance, they would have to pay. And if migrants wanted to have an effective Polis, they had to pay for it themselves. Furthermore, the source noted that the Russian Minister of Health, Veronika Skvortsova, had publicly advocated for introducing a user fee on emergency aid (ambulances).

The source advised that in reality it could be very difficult to reside legally in Russia for CIS migrants, due to the quota system for RVP. The quota system regulated quotas for RVP, residence permit and citizenships in each subject of Russia. A person would have to sign up and get in line for these services, which could be a rather difficult and lengthy process. It was hard to be placed at the gross list in the first place. The quota system was, according to the source, regulated by the central authorities in Moscow.

Bensgier advised that persons from Armenia, Azerbaijan as well as Russians from Kyrgyzstan could afford to pay for citizenship.

A commission for citizenship must deal with an application and could refuse a person citizenship without giving a reason for this.

¹⁶¹ In Russian short for Регистрация по Месту Жительства/ registration at place of residence

¹⁶² In Russian short for Регистрация по Месту Пребывания/ registration at place of stay

¹⁶³ In Russian short for Разрешение на временное проживание/Temporary Residence permit

Loss of citizenship

Although, the Russian authorities could not deprive a Russian citizen of his citizenship by law, the source was aware of a case when a person from Tajikistan obtained Russian citizenship in 1993. The person was later deprived of the Russian citizenship. According to Bengier, FMS¹⁶⁴ explained that the certificate from the Russian consulate in Dushanbe was a fake. However, the consulate in Dushanbe was an official representation of Russia and was working accordingly.

The source was also aware of recent cases that involved Russians from Kyrgyzstan which Russian citizenships had been cancelled on grounds of formalities.

Regarding problems with losing citizenship Bengier mentioned that if an official of the FMS had revoked a citizenship, the person in question could not apply for a loan, and they would be immediately arrested if they tried to do so. Their passport would also be deemed fake. However, the source emphasised that the errors done in these cases were made by the FMS. The source did not know of any cases where a person did not retain their citizenship afterwards.

Dual Citizenship

Bengier advised that if a person wanted to obtain dual citizenship, they could do so without problems. The problem of obtaining Russian citizenship as a second citizenship would lie at the country of origin. If the applicant's country of origin did not accept dual citizenship this could pose a problem. The source noted that for Russian authorities the rule of denouncing the old citizenship was formally important, but in practice it did not matter.

The source mentioned that the quota system in Russia worked for the most part as a scheme for enrichment of the officials. The source added that there was no transparency at all in the quota system. Furthermore, Bengier had registered a decline in the acceptances of applications for Russian citizenship by the FMS after the service was subordinated the Ministry of Internal Affairs. Furthermore, after the FMS was merged in the MVD the prices for delivering the necessary documents had risen to approximately 60,000 rubles pr. applicant.

Access to education

Regarding access to education, the source mentioned that a person would face no problems as long as they had a registration. However, Bengier clarified that this could pose a bigger problem in other regions than Sverdlovsk Oblast. According to Bengier, Sverdlovsk Oblast traditionally have had many migrant workers and had therefore some experience in handling migrants. Furthermore, the oblast had a competent Ombudsman, who would defend people's rights.

Access to healthcare

When asked if migrants had access to healthcare, the source advised that the price for adequate healthcare services in Russia were not feasible for migrants. A proper health care insurance for children would cost approximately 60,000 rubles which was out of reach for an average migrant salary.

¹⁶⁴ Federal Migration Service, after 5 April 2016 subordinated the Ministry of Interior and is now called Main Directorate for Migration Affairs (GUMM)

In regard to giving birth, the source opined that the conditions for women to give birth at birth clinics in Russia were good. They would receive a birth certificate from the hospital. However, further medical treatment was minimal for migrants.

In addition, the source advised that migrant women had a separate problem in Russia. According to statistics, 30 percent of migrants from Central Asia preferred to give birth at home as it was very prevalent in their countries of origin.

Bensgier opined that this tradition could pose a problem, because these persons would not get an official birth certificate and subsequently proving parenthood in Russia. The birth clinics are obliged to give a birth certificate even for home born children, but the clinics was demanding too much money for this service. When the migrants subsequently returned to their country of origin the lack of birth certificate could be problematic, since they could get accused of kidnapping the child.

However, a clinic could not refuse a person to give birth at the clinic, although this could end up as a budget issue for the clinic, but in reality they would find a way to go around this issue.

Protection from refoulement

According to the source, deportations happened rarely. However, there could be problems with migrants from Uzbekistan, who could be sent back or deported to their country of origin.

Furthermore, the source mentioned a case where a person from North Korea who lived in St. Petersburg was sentenced to be deported back to North Korea. However, the deportation was afterwards cancelled.

The source stated that cases of deportation in Russia existed; although the deportees never received refugee status in Russia prior to deportation. If they got refugee status, they would never have been sent out of the Russia.

The source advised that if a migrant was sentenced for two administrative offenses in Russia such as driving without seatbelt or cross the street for red light, they would be banned for entering Russia for either three, five or 10 years. Bensgier noted that it was very common that the Russian authorities said that the migrants needed to leave.

Migrants, who even had an employment contract, working as a private person or as a legal entity were required to leave Russia after two years of stay (if the person was not a highly qualified specialist). They could only return to Russia after 90 days (3 months). If foreign citizens worked illegally in Russia, they should stay in Russia for no more than three months to have a "clean" migration history, after which they can only enter Russia after 90 days (3 months) outside of Russia. Otherwise, it was regarded as a violation of the residence regime, which involved sanctions in form of a ban on entry etc.

However, the source added that this trend did not apply for citizens of the EAEC member states.

Hate crimes

When asked about the prevalence of hate crimes in Russia, the source advised that there had been such cases in Yekaterinburg. The source also mentioned a local report that described where different ethnic groups lived in the city. There had been cases of aggression of migrants against the local community and

aggression from the local community against migrants. However, these incidents were more prevalent for three and more years ago. The situation had since been stabilised. Bengsier clarified that many of the non-ethnic Russians had been a part of the local population for a long time.

The source opined that students from Africa had always been in the region, although small in numbers. Some locals tend to treat them in a negative manner. However, it is worth noting that Russians had a good attitude towards people from Africa in general, according to the source.

When asked if a person from Africa could seek state protection or/and redress, Bengsier advised that a migrant could submit a complaint to the police, although this often had no effect. On the other hand, if a complaint was filed by a an African student, then the police would investigate, explained the source and added that police action in such matters was also a question of the concrete circumstances. As an example Bengsier mentioned that prior to the World Cup in football, the Russian government wanted to show that everything was under control and taken care of.

...

Nurzida Bengsier has forwarded a number of Russian articles with additional information from the website: Migrant.ru.

Below is a summary of the articles in English:

Migration in Russia 2017

Russia is getting a profitable labour force through migration and the migrants can get a way to develop their own living conditions. In 2017 the number of foreign citizens who have moved to Russia and obtained a PMZh constitutes six million persons.

Statistics show that app. 60 percent of them came to Russia illegally or their documents that allowed them to stay in Russia had expired.

According to statistics, the number of crimes that had been committed by immigrants from other countries had in recent years increased. This includes fraud, discrepancy in migration documents, theft and vandalism.

Conflicts in Ukraine and Syria, a general worsening of living conditions in a number of countries less developed than Russia were all reasons for why persons wished to come to Russia, and in 2016 this tendency was confirmed. For this very reason it became necessary to impose a harsher control on citizens and amendments on a legal basis.

According to statistics from 2017, countries where migration to Russia was most typical would be:

1. Uzbekistan (more than two million persons)

2. Ukraine (more than two million persons)
3. Tajikistan (app. One million persons)
4. Kazakhstan (45,000)
5. Armenia (30-35,000)

Russia has imposed tougher punishments for violations of registration on stay in Russia. For example the country had increased the fine. In some incidents persons are deported back home for a period of 10 years without possibility for appeal.

New amendments imposed in 2016 are as follows:

- International passport
- Identification of reasons for arrival with a place of future work
- Designated registration period
- General Patent (work permit)
- Mandatory successful examination
- Medical and social insurance
- Facilitated admission of documents for students

The above-mentioned amendments are not of concern for immigrants from the Eurasian Economic Union which comprises: Armenia, Kazakhstan, Belarus, and Kirgizstan.

At the arrival to Russia migrants have 15 days to register. If a migrant did not manage to register in time, then their stay in Russia would be illegal.

The amount for the mandatory payment (of a Patent red.) now lies at the regional authorities.

Therefore, in different regions the payment may differ. However, statistics show that generally the payment would amount to 1,000-2,000 rubles. Previously some citizens could obtain a work permit for three years. Now the period for everyone is one year, whereinafter one has to renew the permit.

The Russian authorities also decided to reduce the numbers of non-Russian speaking migrants, who are planning to work in Russia. Therefore, every citizen has to pass an exam in Russian language, history and basic rights. To pass the exam one has to pay a fee (of 3,000 rubles).

Furthermore, labour migrants should pay 1.8 percent of their salary on insurance. An insurance Polis would not only guarantee medical treatment but also a possibility to be registered at a jobcentre and get compensation for loss of work. To fill in a Polis one has to pay for minimum six months, if a future worker does not have a Polis then they cannot get a job. A Polis is in force for a period of one year minimum.

Every foreigner who has finished any Russian educational institution (not only an institute but also a college) has the right to get a job on facilitated basis. It is not required under these circumstances to have work experience and the period for obtaining Russian citizenship is nine months¹⁶⁵.

The amount of payment for a Patent for work in 2017 by regions of the Russian Federation

Russian regions have established the cost of the monthly payment for a Patent (fixed advance payment for personal income tax) for foreign workers from countries with visa-free entry to Russia, which requires a Patent for work on the territory of the Russian Federation

In the vast majority of regions the cost of a Patent had increased. The leaders in this regard are still the Russian North and the Russian Far East.

In six regions the cost of a Patent had not changed (the oblasts of Kaluga, Kemerovo, Moscow, Omsk and the cities of Moscow and St. Petersburg)¹⁶⁶.

¹⁶⁵ Мигрант.ру, Миграция в России 2017, 27.12.2016: <http://migrant.ru/migraciya-v-rossii-2017/>

¹⁶⁶ Мигрант.ру, Величина платы за патент на работу в 2017 году по регионам РФ: 02.01.2017
<http://migrant.ru/velichina-platy-za-patent-na-rabotu-v-2017-godu-po-regionam-rf/>

Olga Plykina, Advocate

About the source

Olga Plykina is a Russian lawyer with expertise in stateless persons in Russia and their rights.

Citizenship

Plykina stated that the bulk of statelessness population are former USSR citizens who either do not have any ID or have USSR passports that are no longer valid. Some of the stateless have registration stamps in their USSR passports in former USSR republics; therefore in some cases those people might turn to be citizens of some of the states established after the USSR collapse. As USSR passports are no longer valid, every case of a stateless person (or a person with undetermined status) has to go through the procedure of establishing the identity, which is conducted by the Ministry of Interior and lasts three months.

According to the source, stateless persons from the former Soviet Union are in a sense a complicated caseload to work with due to the apathy and lack of willingness/ energy to pursue things in order to legalize and naturalize. Furthermore, these people often do not want to expose themselves to the to the migration authorities due to the lack of trust. Plykina had come across a couple of cases from the Baltic States she worked with.

Those stateless who lived in Russia as of 6 February 1992 are automatically recognized as Russian citizens; however they would need to prove the fact of residence in Russia. In most of the cases this is done by the court that establishes the fact of residence as having legal importance. From 1992 until 2002 former USSR citizens had many opportunities to acquire RF citizenship however did not due it either due to their apathy or (in many cases) due to the lack of residence registration. In 2002 the new Law “On Citizenship” was adopted and procedure became quite complicated. The amendments to the Law that took place in 2012 (Chapter VIII) allow several categories of former USSR citizens to acquire RF citizenship (or residence permit – up to the applicant) in a simplified way. Those categories are also not penalized for illegal stay in Russia.

However, the source noted that there are still people who did not apply for Russian citizenship. The reasons cannot be clearly explained, but in general this relate to apathy of this caseload, unwillingness of men to serve in the army.

Plykina advised that in 2012 an amendment in the Federal law on citizenship for privileged acquisition to citizenship was approved in Russia. Positive changes were introduced; among others stateless persons could no longer be punished for illegal stay or work in the Russian Federation. The amendment was valid until end of 2015 and was then extended until the end of 2016. At the end of 2016 the deadline was extended until 31 December 2020.

The amendment cover former USSR citizens who:

- 1) arrived in Russia before 1 November 2002 and do not have any citizenship;
- 2) Children of person in the category one who reached 18 years old and do not have another citizenship;
- 3) Children of those people if they have not reached 18 years;
- 4) Disabled persons under the guardianship of persons from the category

Although in general the Russian nationality legislation is rather advanced it has several gaps. For example, in terms of prevention of statelessness - a child born to stateless persons who are illegally residing in Russia will not be considered Russian national.

However, the 2012 amendments to the law were in the eyes of the source a big step forward, because now stateless persons have a chance to obtain citizenship without having residence registration or legal stay in Russia.

According to the source, the government would not fine a person for being a part of this group and additionally the documents one needed to prove that one was stateless were minimal.

Regarding documents Plykina explained that a birth certificate could be obtained without a legal status in Russia. Furthermore, there was no problem in obtaining additional information such as proof of residence, doctor's receipt, school certificate etc., but applicants have to collect this information themselves.

The source clarified that an embassy also could issue a document, which stated that this person was not a citizen of the country in question and in addition there would also be (background) checks and scrutiny done in this procedure. It would cost the applicant around 2,000 rubles to get all the papers done. However, not all the embassies issue such documents and getting such document might be a problem.

Regarding Armenians, Plykina advised that there was a big number of Armenians who came to Russia from Azerbaijan without a citizenship due to the conflict in Nagorno-Karabakh. They were now living in Russia, since most of them have obtained Russian or Armenian citizenship.

Furthermore, the source was also aware of persons from Georgia, who came to reside in Russia. These persons were ethnic Ossetians who had to flee to Russia as a result of inter-ethnic clashes. There are also some individual cases of ethnic Georgians who for some reasons do not have Georgian citizenship. They do not have any documents to initiate legalization procedure in Russia. This is rare cases, probably, with some mental issues.

The source explained that the embassy in Latvia needed a witness, if one had to apply for identity documents there.

According to Plykina, a stateless person who came to Russia before 2002 could live in the country without any problems. They needed proof of registration and a reference that they were not citizens of another country. However, if the person came after 2002, they needed a RVP¹⁶⁷, and after seven days in the country one should register.

The source noted that the immigration authorities were not retaining towards this group, but the process could only happen if the person took the initiative themselves. In this context the source stated that there were a number of people who were apathetic towards deciding their legal issues.

As the procedure of getting RVP, residence permit and citizenship is quite cumbersome and requires lots of documents to be collected and submitted following the requirements of the Law, many people are not able to do it without legal assistance, which many cannot afford and there are not so many NGOs providing such

¹⁶⁷ Temporary residence permit

assistance to this category of people. ON a similar note, stateless persons are not included into the categories which can enjoy state-run free-of-charge legal assistance.

When asked whether it would be a problem for a person without any Russian registrations to return to Russia from a Western European country, the source replied that if they had left Russia, they most likely already had documents proving their legal stay in Russia. They could not leave Russia if they had no valid ID.

Protection from refoulement

Regarding refoulement, Plykina clarified that it was up to the Russian Ministry of Interior to decide whether there will be a deportation of the person in question or not.

In connection to Armenia, the source advised that Armenia considered every Armenian, who was born in Armenia, as an Armenian citizen, therefore, the situation of ethnic Armenians is better in terms of chances to acquire Armenian citizenship.

Furthermore, the source knew of cases where Armenians had served in the Armenian army and apparently faced problems there. However, the source emphasised that this was not enough for the Russian authorities to grant them asylum in Russia.

Living conditions

When asked if stateless persons had access to education in Russia, the source replied that it did not pose a problem to enrol a child in ground school for this group.

In addition, the source explained that children also would receive a free Polis¹⁶⁸. However, when a person reached the age of 18, they would only receive emergency help for free.

Regarding access to the labour market in Russia, the source noted that it was only possible to work illegally for stateless persons illegally staying in Russia, but Plykina added that this group could apply for citizenship or residence permit and get full access and benefits in Russia. However, it should be noted that there are often instances of corruption of those dealing with citizenship issues. The source was aware of cases where persons had been bribing officials in order to get the right documents.

¹⁶⁸ Health insurance

SOVA Centre

About the source

Alexander Verkhovsky is director of the Moscow-based Russian NGO Centre for Information and Analysis SOVA. SOVA Centre conducts informational and research work on such topics as nationalism and xenophobia, relations between the churches and the secular society, and political radicalism.

Hate crimes

When asked about the prevalence of racial motivated hate crimes in Russia, SOVA advised that such hate crimes had been noticeable reduced in recent years. According to the source, the years 2007-2009 was the culmination of hate crimes. Verkhovsky explained that the reason for the decline was simple: In the 1990s there were attacks of hate crimes, but the perpetrators were not organised in groups. They were, however, related to some mainstream political parties such as Motherland and LDPR¹⁶⁹. In the beginning of 2000's more organised neo-Nazis and skinhead groups became more widespread. The focus of these groups was on violence, not political participation. The authorities and the police were not interested in these groups. Since 2010 many ultra-rights tried to collaborate with the liberal opposition.

Around 2007-2008 the police reorganised and changed their approach and methods on hate crimes and as a result the statistics regarding hate crimes in Russia gradually improved. In general, the Russian police only solved crimes where a perpetrator was present or could be found rather quickly. Organised crime has traditionally been a challenge for the police. That is the reason why people only rarely approach the police. But persons from minorities have reasons to be afraid of discriminatory attitude too.

However, in 2007-2008 the police established new centres on extremism, which included hate crimes. The centres were first established on the federal level, and since also on the regional level. However, there were differences in the offices' approach and effectiveness of solving the cases. For instance, the Moscow branch was better at solving hate crimes than the St. Petersburg branch. The centres were battling all kind of extremism, why there could be different priorities on what kind of crimes they focused on.

Verkhovsky clarified that in the past few years the right-wing movements experienced ideological problems, because they could not gain mass support to their ideas. It had been difficult for these groups to mobilise people on political grounds why they lost hope in their cause.

Nowadays due to a new approach by the Russian police such as following electronic footprints on the social media, it got easier for the police to track down the hate crime offenders, but generally the crime offenders are much more careful than before. Ten-fifteen years ago the offenders did not tend to hide their actions; the source opined that it was immediately clear who the offender was, it was often not even necessary to search for him.

On the other hand, SOVA explained that the attackers were getting better to hide, especially in Moscow.

According to SOVA, the hate crimes that did occur after 2014 had not been connected to Ukraine crisis. The source explained that from 2014 a wave of patriotism or empire nationalism, not ethno-nationalism, swept

¹⁶⁹ LDPR – Liberal-Democratic Party of Russia

over Russia, which somewhat offended these groups. The source noted that veterans from Donbass were not visible on the streets. They were primarily sitting at home.

Verkhovsky stressed that another problem with hate crimes in Russia arose from the fact that victims often failed to report hate crimes due to their prejudices against the police and not due to the victim's lack of registrations.

According to SOVA, doctors in Russia were obliged to report any injuries to the police if they believed that these injuries were a result of a crime. However, victims of hate crimes tended to evade all contact with the law-enforcement agencies and as a result they did not seek proper help at Russian clinics.

When asked where in Russia hate crime was most prevalent, SOVA explained that most of all hate crime took place in Moscow and Moscow Oblast¹⁷⁰. However, Verkhovsky noted that Moscow had a more efficient police force which was why they also arrested more hate crime offenders there.

The source opined that the city of St. Petersburg also was a tough place. Yet, the police were less attentive there and the police staff in St. Petersburg did not have the same high quality as the staff in Moscow.

According to SOVA, the Central Directorate for Extremism has specialists, which singled out people of interest at rallies. They had to select those persons they wanted to allocate more attention to. The persons they singled out will then be monitored constantly.

The source explained that in smaller cities like Oryol and Kaluga the police had the manpower to monitor everyone who poses a (supposed) threat. The police conducted surveillance and were tapping phones etc. However, Moscow city was too big to monitor, and therefore the city was a place where a person more easily could find places to hide.

On the other hand, Verkhovsky clarified that neo-Nazis did not try to hide. Previously they killed a number of persons, and did not hide this fact. Therefore they were easy to monitor and easy to catch. However, new groups later surfaced, which did not communicate by phone. According to SOVA, these new groups comprised of young Russians, who were very difficult to find and monitor. In these cases SOVA believed that there were committed hate crimes. The FSB¹⁷¹ dealt with all of these types of groups and it became quite simple to convict these offenders due to incitement. This was due to the procedure of investigation for incitement became a routine 9-10 years ago because hate crimes were more convenient for the police. Furthermore, it was not a problem to find hate speech statements in the public sphere.

SOVA opined that the official numbers of convictions were not quite accurate and underreported. SOVA doubted that these figures covered the full picture of hate crimes in Russia. Verkhovsky estimated that the real numbers were app. 3-5 times higher than the figures, SOVA had access to. On the other hand, SOVA emphasised that the Police did not close their eyes to these issues, there just became fewer cases. It was the opinion of the source that the reduction of official numbers in the statistics also was prevalent in the underreported cases.

¹⁷⁰ Oblast is a type of administrative entity in Russia. 46 out of the country's 85 regions (subjects) are named Oblast

¹⁷¹ the Federal Security service

The source mentioned that if the police found 10 cases of persons beaten, then it would be normal if two of them resulted in a conviction. The small amount of convictions compared to cases should be linked up with general difficulties the police had gathering substantial evidence to prove the offender's guilt.

When asked if persons could seek state protection from hate crimes in Russia, the source stated that victims often did not want to have any contact with the Russian authorities. SOVA mentioned, that a friend had said that he knew of a person from Somalia, who was doing repairs in Russia. He was harassed and beaten 27 times, but did not go to the police, because he did not believe that his personal security would improve. The lack of reports by victims was the main reason why it was so difficult to calculate the actual numbers of hate crimes in Russia.

However, if a person was able to insist on the police taking up a case, then the police would take the case. But this differed from person to person, and the person's willingness to have contact with the Russian authorities. The source opined that, in general, persons from Central Asia were more afraid of being harassed by police, so they tend to have as little to do with the authorities as possible. On the contrary, persons from the Caucasus were generally less afraid to approach the police.

Regarding racial motivated murders, SOVA explained that the actual number were not that higher than the numbers, gathered by SOVA¹⁷² because it was always more difficult to hide a body.

Furthermore, Verkhovsky explained that if a murder had taken place, the police had to investigate. If there were a body the police could not pretend that nothing ever happened.

The source gave a crude example on murders dating back to 2009, where an orthodox Muscovite apparently had killed between 22-57 non-Russians. He came out himself and proudly explained that he had killed all these persons. If he had not come out himself to claim his guilt, no one would have been punished for these murders.

Regarding registration of migrants, SOVA knew of a federal case on people, who in some way or another were registered wrongly; this number appeared to be huge.

According to the source, there were different degrees of forgery taking place in regard to obtaining different types of registration in Russia. One could easily get a Patent¹⁷³ that was real. That was to say, the document and the stamps were genuine, but the permit could be obtained by giving bribe.

The question would then be: was a person legally staying in Russia, if he had a genuine Russian passport, but got the passport in an illegal way? This was a difficult question to answer.

Verkhovsky knew of a case, where a person got their passport via the embassy and afterwards lived for many years in Russia. Suddenly someone came and took his passport, saying it was obtained in an illegal manner. He got his passport back again, but the source was not aware whether it was done in a legal manner.

¹⁷² There is no official statistics on hate crimes.

¹⁷³ Work permit for some categories of workers.

SOVA opined that genuine documents obtained illegally were relative cheap in Russia: One could buy a genuine internal passport for 2,000 US on the black market. However, if the authorities checked the passport, they would find out that the document had been obtained in an illegal manner¹⁷⁴. On the other hand, foreign authorities could not check if the document had been obtained legal or illegal. They needed to ask the Russian migration authorities.

The source advised that the most prevalent forged documents were residence registration and work permits.

According to Verkhovsky, one could obtain all needed documents oneself, but unfortunately many foreigners were afraid to do so, due to pitfalls within the vast Russian bureaucracy. Therefore they often addressed a company to collect all needed documents on the foreigner's behalf. These companies, however, could easily deceive the foreigner, so the foreigner thought he had obtained all his documents legally, but in fact the documents could have been obtained on fraudulent manners.

¹⁷⁴ The same thing is prevalent with other documents; they are, however, cheaper than passports.

Tatiana Efremova, Civic Assistance Committee, legal adviser

Term of temporary residence of a foreign citizen in the Russian Federation is determined by the validity period of the visa granted, except cases provided for by N 115-FZ.

The term of temporary stay in the Russian Federation of a foreign citizen who arrived to the Russian Federation the way not requiring a visa, cannot exceed ninety days in total during each period of one hundred and eighty days, except for cases stipulated by N 115-FZ, and also in the case, if such period of time was not extended in accordance with N 115-FZ. In this case, the continuous period of temporary stay in the Russian Federation of the said foreign citizen cannot exceed ninety days. Duration of temporary stay in the Russian Federation of a foreign citizen who arrived in the Russian Federation in a procedure that does not require a visa and is a highly qualified specialist and duration of temporary stay of his family members in the Russian Federation is determined by the validity of the work permit issued to this highly qualified specialist.

Migration registration of foreign citizens and stateless persons in the Russian Federation

Foreign citizens who permanently or temporarily reside in the Russian Federation are subject to registration at the place of residence and registration at the place of stay.

Foreign citizens, who temporarily stay in the Russian Federation, are subject to registration at the place of stay.

The notice of arrival of a foreign citizen in the place of stay should be submitted to the migration authority by the receiving party or, in certain cases, directly by the foreign citizen: 1) no later than seven working days from the date of his arrival in the place of stay - in case this foreign citizen permanently lives in the Russian Federation; 2) no later than seven working days from the date of his arrival in the place of stay - in the event that this foreign citizen temporarily stays or temporarily resides in the Russian Federation.

The ground for registration of a foreign citizen at the place of residence is this foreign citizen's right to use residential premises in the Russian Federation. This right is determined in accordance with the housing legislation of the Russian Federation. The owner of a residential property exercises the right to own, use and dispose residential premises owned by him under the right of ownership in accordance with its purposes and operating range, established by the Housing Code of the Russian Federation. The owner of a residential property has the right to give possession and (or) allow use of the living quarters belonging to him under the right of ownership to a person under the lease, an agreement on use without charge or other legal grounds, as well as to a legal entity under the lease or any other legal grounds in accordance with requirements established by the legislation of the Russian Federation.

Ground for registration at the place of stay is a fact of temporary residence of a foreign citizen at a place that is not his residence, or the fact that the said foreign citizen has no place of residence.

Permanent residence of foreign nationals in the Russian Federation (temporary residence permit)

Residence permit for a foreign citizen is not issued, and the previously issued residence permit is cancelled in cases specified by Article 9 of Federal Law No. 115-FZ of July 25, 2002 (as amended on April 17, 2017) "On the Legal Status of Foreign Citizens in the Russian Federation" (Hereinafter referred to N 115-FZ).

For example, one of such cases: “after three years from the date of entry one does not have residential premises in the Russian Federation on the grounds provided for by the legislation of the Russian Federation”, it is specified in paragraph 9 of the above-mentioned Article 9 N 115-FZ.

Temporary residence permit may be issued for a foreign citizen within a quota approved by the Government of the Russian Federation and without the quota being taken into account. The validity of the temporary residence permit is three years.

Temporary residence permit of a foreign citizen is cancelled if he was staying outside of the Russian Federation for over six months.

Consequences of nonobservance by a foreign citizen of the period of stay or residence in the

Russian Federation

If the period of residence or temporary stay of a foreign citizen in the Russian Federation is reduced, the foreign citizen must leave the Russian Federation within three days.

If a temporary residence permit or residence permit issued to a foreign citizen is annulled, the foreign citizen must leave the Russian Federation within fifteen days. A foreign citizen who has not fulfilled the above duties is to be deported.

To receive a patent, a foreign citizen, within thirty calendar days from the date of entry into the Russian Federation, presents an application for a patent and necessary documents, in person or through an organization authorized by the subject of the Russian Federation, to a territorial body of the federal executive authority in the field of migration.

An employer and customer of work (services) has the right to recruit and use foreign workers if they have permission to hire and use foreign workers, and **a foreign citizen has the right to be employed** if he is not younger than eighteen years old, and has a work permit or a patent. This procedure does not apply to foreign citizens who are: permanently or temporarily residing in the Russian Federation; recognized as refugees in the Russian Federation, until they lose refugee status or deprived of their refugee status; those who received temporary asylum in the Russian Federation, - until they lose their temporary asylum or deprived of temporary asylum; and further in accordance with Article 13 N 115-FZ.

Policy of obligatory medical insurance is a document to certify the right of the insured person to free medical care throughout the Russian Federation in the amount provided for by the basic programme of obligatory medical insurance.

The insured have the right to: 1) free medical care provided by medical organizations in the event of the occurrence of the insured event; a) throughout the territory of the Russian Federation in the amount established by the basic programme of obligatory medical insurance; b) in the subject of the Russian Federation, where **the policy of obligatory medical insurance** is issued, in the amount established by the territorial programme of obligatory medical insurance. The insured are citizens of the Russian Federation, foreign citizens who permanently or temporarily reside in the Russian Federation, the stateless (except highly qualified specialists and members of their families, as well as foreign citizens who work in the Russian Federation in accordance with Article 13.5 of the Federal Law of July 25, 2002 N 115-FZ “On the Legal Status of Foreign Citizens in the Russian Federation”), as well as those entitled to medical assistance in accordance with the Federal Law “On Refugees” (with refugee status, with temporary asylum in the Russian

Federation).

The Treaty on the Eurasian Economic Union (the Republic of Belarus, the Republic of Kazakhstan, the Russian Federation, the Republic of Armenia, and the Kyrgyz Republic) regulates the provision of medical assistance to workers of member states and family members. According to it, the state of employment ensures the provision of medical assistance to workers of member states and family members in the manner and under conditions determined by the legislation of the state of employment and international treaties.

Member states in their territory grant the workers of member states and family members the right to receive free emergency medical care (in urgent and emergency forms) in the same manner and under the same conditions as citizens of the state of employment.

Emergency medical care (in urgent and emergency forms) is provided to workers of Member States and family members by medical organizations (health facilities) of the state and municipal health systems of the State of employment for free, regardless of the availability of a medical insurance policy.

The reimbursement of expenses of a medical organization (health care institution) for emergency medical care (in urgent and emergency forms) to workers of the member states and family members is carried out at the expense of respective budgets of the budget system of the state of employment in accordance with the working system of financing public health.

The term of temporary stay (residence) of a worker of a member state and family members in a state of employment is determined by the validity of the labour or civil law contract signed by the worker of a member state with an employer or customer of work (services).

Citizens of a member state who arrived for work or employment purposes in another member state and family members are exempted from registration obligation within 30 days from the date of entry.

If citizens of a Member State stay in the territory of another Member State over 30 days from the date of entry, these citizens are required to register in accordance with the legislation of the State of entry, if such duty is established by the legislation of the State of entry.

Citizens of a member state, upon entry into the territory of another member state, with one of the valid documents that are to be marked by border control on the crossing of the state border, provided that the period of their stay does not exceed 30 days from the date of entry, are exempt from using the admission form (card), if such duty is established by the legislation of the state of entry.

In the event of early termination of an employment or civil law contract after 90 days from the date of entry to the state of employment is expired, the worker of a member state has the right to enter into a new labour or civil law contract within 15 days without leaving the territory of the state of employment.

Education (without changes)

UNHCR

About the source

UNHCR assists the Russian government in developing the national asylum system through providing advice on asylum legislation, conducting capacity-building events and working on individual cases directly and through legal aid partner organisations. UNHCR clarified, however, that it had not been able to continue trainings for the Ministry of Interior (MVD) personnel this year due to FMS¹⁷⁵ reorganisation and subordination into MVD.

About the refugee system in Russia

According to UNHCR, if a person wants to submit an application for asylum he/she has to do this by submitting an application to the MVD territorial migration department¹⁷⁶. UNHCR opined that the effectiveness of the asylum system differs from region to region. For example the source believed that the system shows more shortcomings in Moscow, Moscow Oblast and in St. Petersburg. On a general note, it should be noted that UNHCR distinguishes the situation of Ukrainian and non-Ukrainian asylum-seekers. While UNHCR appreciates the approach and standards of treatment of Ukrainian refugees, it wishes to highlight the need to render equal non-discriminative support to all asylum-seekers.

Regarding refugee recognition rates, the source advised that the Syrians got a high rejection rate in Russia. Only two people from Syria hold refugee status and 1,317 hold temporary refugee status as of December 2016. Furthermore, Russia had a high rejection of refugees in general. In comparison to 2015, the number of persons holding refugee status decreased by almost 200 persons. Apart from that UNHCR cannot comment extensively on the numbers, since it stopped to obtain comprehensive and regular statistical information.

According to the source, a number of high-level Russian officials said that the Syrians had to go back to Syria to re-build the country and should be assisted in Syria and not in Russia. However, UNHCR stressed that this was not an official statement, i.e. not made publicly, but during a meeting with UNHCR and NGOs.

UNHCR advised that although UNHCR does not think that Russia qualifies to be considered a safe asylum country, many Syrians who crossed the Russian-Norwegian border were nonetheless returned into Russia by the Norwegian government, mostly those with temporary or permanent residence permit in Russia. UNHCR has hoped to resettle qualifying cases of Syrians to USA, but unfortunately that is put on hold to a large extent due to the new administration in the USA. UNHCR explained that it works through its legal partners helping rejected asylum-seekers to appeal and as a result the cases were subsequently revoked. The court (in many cases referring to UNHCR legal support letters) says the one could not go back to Syria; hence a Syrian could not be expelled from Russia. However, the court did not have the authority to grant a person asylum. The source clarified that in these cases Syrians stayed in Russia, but were not allowed to work, they had no registration and they had no access to medical assistance.

¹⁷⁵ Federal Migration Service

¹⁷⁶ Previously asylum-seekers were submitting applications to the FMS territorial departments

UNCHR also advised that it works with a so-called legacy caseload of mostly Afghans who arrived years ago and have been unsuccessfully applying for asylum in Russia for many years ago, but got rejected.

In connection to Non-refoulement, UNCHR stated that Russia had signed the 1951 Refugee Convention, which states that no refugee should be refouled as well as no penalization of refugees should take place for illegal entry or stay.

In regard to expulsion to the CIS countries, UNHCR viewed in a sense a difference in Russia's approach. According to the source, migrants from the CIS countries mostly come to work and do not apply for asylum. They came to Russia to work, which they could do legally by obtaining/purchasing a so-called patent¹⁷⁷, with the exception of some cases mostly from Uzbekistan and Kyrgyzstan allegedly persecuted for politically motivated religious extremism.

The source advised that Russia is in the process of developing legislative mechanisms to tighten its migration regime due to national security considerations and it will supposedly negatively impact the situation of asylum-seekers and refugees.

Russia was actually encouraging persons from the CIS countries to come and work in Russia. UNHCR stressed that persons from the CIS countries living in Russia are mostly labour migrants, and not refugees.

UNHCR was aware of a handful of extradition cases to the CIS countries. In most of the known extradition cases persons applied for asylum while already being in the extradition procedure. However, the source mentioned that persons from Group 24¹⁷⁸ from Tajikistan were not extradited. The source opined that the question of protection from extradition becomes more difficult when there are triggers hinting alliance with radical Islamism. UNHCR knows of cases where persons got temporary asylum from Uzbekistan. There have been cases of abductions from Russia to the CIS countries, but the abductions have stopped after the ECHR ruled against it. The source noted that if a person was seeking asylum in Russia, the Russian authorities will not comply with an extradition request.

In regard to persons from Armenia and Georgia, UNHCR noted that they had seen gradually fewer cases over time from these countries. However, the source advised that a bilateral agreement on extradition between Russia and Armenia could exist clandestinely.

Citizenship

UNCHR referred to a census conducted in 2010, where 178,000 declared that they were stateless. Furthermore, 4,000,000 respondents could not answer or refused to answer this question, which led the source to suspect that there were more stateless persons living in Russia than the official figures were stating. The source cited the Russian vice Minister of Interior declaring that 11,042 stateless persons acquired Russian citizenship in 2016 and some 15,000 persons obtain RVP¹⁷⁹ annually.

Regarding Patents, the source advised that foreigners from countries with non-visa regime with Russia who wanted to work in Russia can do it through acquiring a Patent. Citizens of countries who are members of

¹⁷⁷ temporary work permit

¹⁷⁸ Group 24 is an unregistered political opposition group in Tajikistan. The majority of its members live outside Tajikistan. Source: Landinfo: Tadsjikistan: Gruppe 24 (3. februar 2017): http://landinfo.no/asset/3495/1/3495_1.pdf

¹⁷⁹ Temporary Residence Permit

the Eurasian Economic Union do not require a patent to work in Russia (Belarus, Kazakhstan, Armenia, and Kyrgyzstan). Another way of obtaining legal status in Russia is to obtain temporary residence permit (RVP) issued for three years. The number of admitted RVP's in Russia is controlled by a quota that is allocated every year by the federal Government for every subject of Russia. If a person had a spouse or a child, who was a Russian citizen, they could apply for RVP outside of the quota system.

UNHCR explained that chapter 8 in the law on Citizenship of the Russian Federation¹⁸⁰ foresees provisions for obtaining Russian citizenship in a simplified way for former USSR citizens. According to the law, those persons who inter alia resided in Russia before 2002, had reached the age of 18, and never acquired a citizenship from another country, could choose to get either Russian citizenship or residence permit.

This could be persons without any documents or registration. According to the source, these persons had difficulties getting registered, since one had to prove that they had lived in Russia continuously or they had no place to be registered at. Those who arrived in Russia after 2002 would not fall under the simplified procedure and would have to follow the general procedure of acquiring RVP, residence permit and only after that citizenship. According to UNHCR, approximately 20,000 persons benefited from this law. The southern Russian city of Rostov on Don was among the places, where many persons used to be stateless and there are still people remaining with unregularised status. The source also mentioned the regions of Krasnodar Krai¹⁸¹, Stavropol Krai, Tyumen Oblast¹⁸², Moscow city, Moscow Oblast, St. Petersburg and the republic of North Ossetia¹⁸³. In all those regions and many others UNHCR supports lawyers assisting persons of concern.

UNHCR advised that former refugees from Georgia lived in the North Caucasus, displaced due to the conflict in 1991-1992, and to a minor extent the conflict in 2008.

These persons were ethnic Ossetians. Furthermore, the source noted that a significant mixture of Armenians, Russians, Georgians were living in Rostov on Don and Stavropol Krai.

According to the source, a large number of Armenians had over time settled in Rostov on Don and Stavropol Krai. The Armenians were not necessarily from Nagorno-Karabakh, but they came to work in Russia a long time ago. UNHCR advised that many Armenians came to Russia without any documents or with USSR passports from Armenia and could technically be stateless persons. However, the source opined that they get assistance in obtaining Armenian citizenship as it is relatively easy under the Armenian nationality legislation and UNHCR partner organisation maintains good contacts with the Armenian Consulate.

In order to obtain Russian citizenship, a renunciation of the previous citizenship is needed or a confirmation of not belonging to a certain citizenship. In most of the cases the interior departments leave this burden on the applicant although they have the authority to approach relevant embassies themselves. At the same

¹⁸⁰ Federal Law No. 62-FZ of May 31, 2002 (amended on 1 May, 2016) "On Citizenship of the Russian Federation", Article 41.1. The subject of regulation and the scope of this chapter (in Russian):

http://www.consultant.ru/document/cons_doc_LAW_36927/8c5c75535ef4d54676f9a35930b8be453627aaa6/

¹⁸¹ Krai is a type of administrative entity in Russia. 9 out of the country's 85 regions (subjects) are named Krai

¹⁸² Oblast is a type of administrative entity in Russia. 46 out of the country's 85 regions (subjects) are named Oblast

¹⁸³ Republic is a type of administrative entity in Russia. 22 out of the country's 85 regions (subjects) are named republic

time, the Russian nationality legislation foresees that when it is not possible a person needs to renounce citizenship one-way by informing his country of nationality and not wait for confirmation of renunciation.

However, in many cases persons had to go to an embassy, which meant go to Moscow. This could for some persons be difficult due to travel obstacles (no documents and/ or no money). Despite difficulties obtaining this document, the migration officers could still insist on getting this document, and hence reject the application on this ground. Furthermore, problems could occur, when a person had to obtain a non-conviction certificate¹⁸⁴ from their country of origin. This document was also mandatory to submit when applying for Russian citizenship.

Pre-Removal Detention Centres

UNHCR clarified that if a person was staying in Russia illegally and got caught by the Russian law-enforcement agencies without the proper documents, the person would be brought to the court for a decision on fine and administrative expulsion (in most of the cases it would be a fine without expulsion) . In most of such cases persons with regard to whom a decision on administrative expulsion is made are placed in in a so-called Pre-Removal Detention Centres administrated by the MVD. The centres are established in every region of Russia and persons without a legal stay in Russia would get placed here after a court decision on expulsion. This was also a concern if a person is stateless. According to the source, the Russian authorities would send a person, who was caught on the street, to one of these centres to be then expelled from Russia. In case the person was stateless, Russia could not send them to a foreign country and thus stay in these centres for a maximum of two years, in accordance with the Administrative Code of the Russian Federation. Then they get released and could go out on the streets again, until next time they met a police officer, who wanted to see their papers, and then would be taken to the court to be fined and expelled with placement in Pre-Removal Detention Centre. This means that persons who are released due to impossibility to implement the expulsion decision get released without any progress in their legalization.

According to UNHCR, there were app. 300 cases with stateless or persons with no documents in Russia at this moment.

Furthermore, the source clarified that stateless foreigners, who had committed crime in Russia and/or served long-term imprisonment, also constituted a problem for expulsion and legalisation. The country of might-be citizenship (?) or habitual residence usually does not want these types of people back. Three months before they would be released from prisons, the authorities would make a decision on their undesirability and then move them from a prison to a Pre-Removal Detention Centre. No solution currently seems to be possible as persons with criminal record do not have prospect for legalisation and naturalisation. At the same time, the Constitutional Court declared relevant articles of the Administrative Code unconstitutional. Therefore the practice of long-term ungrounded detention of persons whose removal is not possible should stop. At the same time, the law-makers are to develop the norms based on which the stay of such person in Russia could be possible/legal.

¹⁸⁴ In Russian called: справка о несудимости

Living conditions

When asked whether stateless persons illegally residing in Russia would have access to healthcare, the source advised that such persons could only get emergency assistance. Other types of medical care they would have to pay for.

However, stateless persons with RVP or residence permit have access to healthcare. UNHCR explained that stateless persons with either of these two statuses mostly have sojourn registration, and thus access to healthcare, although not necessarily free of charge.

Furthermore, children of stateless persons would also have access to schools. If a person had got a Patent, he had a registration, and thus access to education and healthcare.

UNHCR explained that there existed two types of stateless persons in Russia:

- The ones that had RVP;
- The ones holding residence permit.

Both categories should have access to kindergartens and schooling. On those instances when they don't, lawyers intervene.

When asked whether stateless persons without registration would get a birth certificate if they gave birth to a child in Russia, the source replied that this would not pose a problem. Everybody disregard their status could get a birth certificate in Russia. On those instances when a birth certificate is not issued, lawyers would intervene.

When asked whether a person, who had left Russia without any legal stay in the country, could return and stay in Russia, the source advised that it would be difficult (or rather impossible) to leave without having documents and a legal stay. In case the person somehow left Russia and returned (again somehow), he/she would need to legalise in Russia as any other foreigner. Furthermore, if a person had a residence permit prior of leaving Russia and had been out of Russia in more than six months, they would lose their residence permit and would have to apply all over again. Additionally, the Russian authorities would not take a person back if this person had no documents to prove their affiliation to Russia.

Appendix: Information on registration and residence permit in Russia:

1. Temporary Resident Permit: (Разрешение на временное проживание (РВП)) is a confirmation of the right granted to a foreigner who is legally in Russia to temporarily reside in the Russian Federation before obtaining residence permit. RVP is issued either in the form of a stamp into a valid ID (for a foreigner) or as a separate certificate (for stateless persons). It is issued for three years.
2. Registration of place of stay or migration registration (Регистрация по месту пребывания или миграционный учет): "propiska" for foreigners
3. Residence Permit (Вид на жительство (ВНЖ)): Residence permit is a document issued as a confirmation of a right to permanently reside on the territory of Russia as well as the right to enter and leave Russia on the basis of residence permit. It is issued for five years.

There are two steps on the way of naturalisation for regular foreigners: 1) permission for temporary stay (3 years); 2) residence permit (5 years)

I. There are three types of stay for foreigners in the Russian Federation in accordance with the Federal Law “On the Legal Status of Foreigners”:

- 1) Permanently residing foreigners (those foreigners who hold residence permit);
- 2) Temporarily residing foreigners (those foreigners who hold permission for temporary stay);
- 3) Temporarily staying foreigners (those foreigners who do not have neither residence permit, not permission for temporary stay)

Refugees fall under the category #3, i.e. temporarily staying foreigners.

There are two types of registration for foreigners in accordance with the Federal Law “On Migration Record of Foreigners in the Russian Federation”:

- 1) Registration at the place of residence (for permanently or temporarily residing foreigners – categories 1 and 2 of the above);
- 2) Migration record/registration (for foreigners falling under category 3, including refugees)

So, according to the legislation refugees cannot have residence registration (registration at the place of residence), but can (and should) only have migration record/ registration.

Ural House

About the source

The public non-governmental organisation Ural House from Sverdlovsk Oblast has been working with protecting the rights of migrants since 1997 and is a member of the Russian branch of the international organisation “Forum for Migrant Organisations (migrant.ru).”

Migrants’ situation

According to the source, the situation for migrants in Russia today was under change. The laws concerning migrants’ conditions were altered frequently. In addition, every subject of the Russian Federation had its own law-enforcement practice. This meant that the exercise of the laws often was different, for instance, in Krasnodar Krai than in Sverdlovsk Oblast.

Centrally, the former Federal Migration Service (FMS) had changed name and status. Formerly, FMS was an independent government agency. After the reform, the department for migration issues had been submitted to the Ministry of Interior (MVD) under the name – Main Directorate for Migration Affairs (GUVM)¹⁸⁵. The result was that many aspects of the political process of the migration issues had changed. But above all, according to Ural House, the main consequence was that for some time the competence of the employees had decreased, since the civil servants who had great experience and competence left the service. Their place was taken over by police officers from other departments who were not familiar with the migration legislation. Civil servants mainly worked at the FMS, and only a part of the staff had a military background. Employees of the MVD were more disciplined. The source advised that the MVD was a military agency and was less subjected to corruption. Emotions and compassion were absent in making a decision.

The source advised that, in general, there were two types of migrants in Russia. Firstly, there were the group of migrants from Armenia, Belarus, Kazakhstan and Kyrgyzstan – the countries that were members of the Eurasian Economic Union. At large, Ural House did not observe any problems with migrants from these countries, mainly because the rules for these migrants were very simplified. If they were staying in Russia legally, there would be no problems. In order for them to work legally, there had to be an agreement with an employer / work place. The employer also had to notify the immigration authorities. Finally, the migrant workers had to pay taxes. As a consequence they received a health insurance Polis, the tax number INN and pension savings.

The second group was migrants from all other CIS countries, such as Uzbekistan, Tajikistan, Turkmenistan, Azerbaijan, Moldova and Ukraine. In order to work in Russia legally, they had to acquire a work permit, the so-called “Patent” within the first month after their arrival. For obtaining the permit there were some administrative procedures, the migrants had to undertake. Firstly, they had to obtain a registration of their place of stay¹⁸⁶. Secondly, they had to undergo a medical examination. Thirdly, they had to pass an exam in Russian knowledge at an appointed testing centre. There were four universities who had made the exam questions for this test in three categories – Russian language, history and law. The exam concept was being implemented at local universities throughout Russia. The migrants needed the certification paper, that they

¹⁸⁵ In Russian: Главное Управление по Вопросам Миграции (ГУВМ)

¹⁸⁶ In Russian called Место Пребывания (Место Пребывания)

had passed the exam. Since the paper easily could be bought, in practice, it did not matter, whether they actually took the test.

Some migrants were only staying in Russia temporary, while some wanted to stay for a longer period of time. In order to stay longer, they needed a temporary resident permit – RVP¹⁸⁷. The RVP was only handed out to migrants in quotas that determined how many migrants could stay in each region (subject) of the Russian Federation. The quotas were approved by the Russian government and every subject could to some degree regulate their own numbers of quotas.

Living conditions for illegal migrants

When asked about living conditions for illegal migrants who resided in Russia, Ural House explained the following:

Access to health care

As well as the rest of the population, illegal migrants would be treated free of charge if they needed emergency medical service.

All other medical services required payment. It was also possible for illegal migrants to buy the health insurance Polis. The price of the insurance was approximately 1,200 rubles. However, a vast majority of the illegal immigrants did not care about the health insurance and therefore chose not to buy it.

Regarding vaccinations, the source stated that illegal migrants had to pay for vaccinations as was the case for migrants with the Patent. However, people who had a residence permit would not need to pay for vaccinations.

Access to education

The source stated that, according to the law, every child in Russia no matter their status had the right to education. However, their problems would occur for the children, when the school asked for the parents' registration. In case of lack of registration the children could be denied access to schools. Furthermore, if the children did not have the necessary vaccinations, they may as well be denied to school.

Protection from refoulement

According to Ural House, there existed a protection for refugees against refoulement to third countries. However, in reality there were no political refugees in Russia.

The source stated that the 1951 Refugee Convention was accepted, but it was poorly respected. The problems occurred, because Russia did not give refugee status to persons from countries like Uzbekistan and Tajikistan.

Ural House noted though that the Ukrainian refugees from 2014-2015 were better accepted in Russia than the many refugees that came to Russia during the 1990's.

Refugees

After the conflict in Ukraine broke out in 2014-2015, some Ukrainian refugees arrived to Sverdlovsk Oblast. The Ukrainians, who was evacuated by the Ministry of the Russian Federation for Civil Defence,

¹⁸⁷ In Russian called Razreshenie Vremennogo Prebyvaniya (Разрешение Временного Пребывания)

Emergencies and Elimination of Consequences of Natural Disasters, were evacuated from the border regions around Rostov Oblast and settled in different parts of the Russian Federation. Ural House helped some of the refugees with documents so they could get status as temporary refugees.

The government provided access to a dormitory where the refugees could live. Furthermore, the legislation allows temporary refugees access to education and health care. They were allowed to stay for one year.

Citizenship

According to Ural House, since 2006 there had been a programme for voluntary relocation of compatriots¹⁸⁸. This programme offers special, simplified procedures for obtaining citizenship. In order to enter the programme, the applicants must speak Russian fluently and accept Russian culture as their own. They must also present prove for their Russian affiliation within two months. The process was quite fast, and the applicants were often able to obtain Russian citizenship after one year. According to the interlocutor, each federal subject could set some preferences on which candidates they wished to relocate to their region. The preferences could be choice of educational background, for instance, medical or agricultural graduates etc.

The federal subjects were planning how many persons they would take per year. The Federal Government will finance compensation payments and material support for this category of migrants. The interlocutor mentioned that in Sverdlovsk Oblast an applicant received 20,000 rubles, and each member of a family received 10,000 rubles, as well as the costs of transportation and delivery of luggage, state fees, medical examination, and employment assistance.

The decision on participation in the programme is made at the local level, directly on the territory by the Inter-departmental Commission consisting of municipal officials and representatives of non-governmental organisations. The decision was approved by the regional authorities, and the decision procedure would take 60 days.

Applicants for participation in the programme should fill out a detailed questionnaire and attach supporting documents. According to the source, it was very difficult for many persons to fill out a questionnaire without the help of consultants. Furthermore, the officials at the migration department had the possibility to refuse to accept the documents.

When making a decision the inter-departmental commission was primarily governed by federal legislation, but in each subject of the Russian Federation, additional criteria for selecting applicants were taken into account, primarily labour market opportunities and professional competencies,. At the time of submission of documents for participation in the programme, applicants could live both abroad as well as in Russia.

Foreign citizens staying in the Russia at the time of filling an application must have: a temporary residence permit" or "a residence permit". For those applying from abroad for applicants, "a temporary residence permit was issued after a decision was taken to join the "programme".

¹⁸⁸ In Russian called Государственная программа по содействию добровольному переселению в Российскую Федерацию соотечественников. For further reading see: https://xn--b1aew.xn--p1ai/mvd/structure1/Glavnie_upravlenija/guvm/compatriots

Patent vs. RVP

According to the source, migrants who arrived to Russia on the work permit Patent did not earn the right to obtain citizenship. In order to qualify for citizenship, migrants needed a temporary residence permit (RVP).

In order to qualify for citizenship, migrants needed to undergo a multi-step procedure: to obtain a "RVP", to live with this status for at least a year, officially (legally) to work, then to obtain a "residence permit" to live on the territory of the Russian Federation for five years, and annually confirm documented legitimate sources of income.

Loss of Russian citizenship

In the 1990s there were cases when some people, who had legitimate grounds, obtained Russian citizenship at Russian embassies abroad. However, in Russia they were not included in the database. When the person in question then had to renew or had lost their passport the FMS deprived them of their passports and, accordingly deprived them of their Russian citizenship, due to the lack of registration. It was necessary to collect a large number of various documents confirming their right to citizenship. All this took a lot of time and nerves. It is very difficult to live in Russia without a passport. This problem has affected thousands of people. However, the problem was solved.

Documents

Ural House stated that there were fake documents everywhere. The documents were not necessarily forged. The documents could be genuine, but the circumstances behind the documents could be false. For instance, people may have lied to or paying a doctor to write the necessary things in a medical certificate or purchase a fraudulent migration card, patent, registration at the place of stay and so on. As a rule such documents were made by criminal intermediaries from the migrant community.

Appendix: Information on registration and residence permit in Russia

1. Temporary residence permit (RVP)/Разрешение на временное проживание (РВП):
In the given period a person cannot leave the territory of the Russian Federation for more than 6 months. The person should provide a certificate of income and he is registered at the place of residence.
2. Registration at place of stay (RVP)/Регистрация временного пребывания (РВП?):
The authorities would put a stamp about RVP in the national passport. Registration at place of residence for the entire validity period of the RVP.
3. Residence permit (VNZh)/Вид на жительство (ВНЖ)
A document is issued in the form of a passport for a period of 5 years, after the expiry of the term. This document can be extended repeatedly. Registration is also at the place of residence. The person should provide an annual confirmation of legal income.
4. Permanent place of residence (permanent residence)/Постоянное место Жительства (ПМЖ)
This status is for all Russian citizens.
5. Registration at the place of residence/Регистрация по месту жительства
This is a registration procedure.

6. Registration at the place of stay/Регистрация по месту пребывания

In general this registration is issued for foreign citizens who work on patents or work permits, or foreigners who come to the country to visit or study.

US Consulate General in Yekaterinburg

Migrants in Sverdlovsk

The population in Yekaterinburg is approximately 1.5 million. The total population for Sverdlovsk Oblast is 4.3 million. Nine percent of the population in Sverdlovsk Oblast corresponding to approximately 400,000 people are migrants. Furthermore, it is the assessment that there are approximately 100,000 illegal immigrants in the Oblast.

75 percent of the migrants had arrived for temporary work. They will most likely return to their country of origin at a later time. It was assessed that 25 percent would stay in Russia permanently.

35 percent of the migrants were Tajiks, 35 percent were Uzbeks and 15 percent were Kyrgyz. There was also a larger concentration of migrants from China and Vietnam.

The US Consulate General in Yekaterinburg did not see many applicants with Armenian, Ukrainian or Georgian nationality.

People from the former Soviet republics, except Georgians, can enter Russia without visa and stay legally for 90 days.

Migrants from Armenia, Belarus, Kazakhstan and Kyrgyzstan did not need a work permit. All other migrants would need to apply for a work permit.

The migrants were distributed to the Russians federal subjects through a quota system. In order to obtain a permit within the quota system the authorities would test the migrants in knowledge of Russia. This test included among other things a test of Russian language, Russian law and Russian history.

The Consulate General reported that the migrants, who worked without a work permit, usually work in the construction, retail, processing, agriculture and transport sectors. A large amount of these migrants often worked illegally.

Migrant workers from Central Asia were often men who left their family behind in the country of origin.

The US Consulate General sometimes saw suspicious travellers from Armenia, who the source considered were of higher risk to apply for asylum in the USA, and subsequently they had to produce a very convincing case to get a US visa.

Dual Citizenship

When asked about dual citizenship, the US Consulate General stated that US citizens, who, according to the Russian Law on Citizenship, had to renounce their US citizenship, would be given it back upon request, if they later regrets their renouncement¹⁸⁹. However, the source advised that renunciations of American citizenships by Russian-Americans in general were very rare.

¹⁸⁹ Technically, the US Consulate General does not recognise a renunciation of US Citizenship unless it was the intent to relinquish US nationality.

Protection against refoulement

The source had no knowledge about whether the Russian authorities provided protection against refoulement. It was the assumption of the source that the authorities did not deport refugees. There had been no reports that the Russian authorities were targeting refugees for the purpose of deportation.

After the conflict in Ukraine approximately 7,000 Ukrainian refugees from Donbass arrived to Sverdlovsk Oblast. They were given 1,300 rubles a month and were accommodated in a dormitory. However, the Ukrainian refugees were slowly leaving the region again.

Consequences of leaving

The source stated that if an illegal migrant was caught, then, according to the law, the migrant got a 10 years quarantine of entering Russia. However, it was not clear for the source, whether the authorities enforced this possibility.

Hate crimes

According to the source, there used to be some racially motivated attacks. However, recently there has not been any report about hate crimes.

The US Consulate General noted that some students from Western Africa had tried to apply for visa to the USA through the Consulate General. It is often difficult for them to qualify for a visa.

According to the source, the local Russians in the regions would probably be more concerned about migrants from Central Asia and China who sometimes were referred to as cockroaches¹⁹⁰.

Documents

The source stated that some documents were easier to forge than others.

In general, the source's trust to birth certificates was low, since it was easy to forge.

The consulate General mentioned the following indicators concerning possible falsified birth certificates:

- Papers – the paper of the document was different, often of lower quality
- If the document was issued years after the actual birth of the holder of the certificate, it was more likely to be false.

The Russian internal passport was not a secure document, since it was possible to forge. But there was information in the passport that can be cross-checked, why the trust of the document was higher.

The Russian foreign passport had a high degree of trust, since it was more difficult to falsify.

General conditions (corruption)

According to the US Consulate General, American companies were not that concerned about corruption when compared to previous years. The concern was more focused on the political situation in Russia.

¹⁹⁰ In Russian called "Тараканы (Тараканы)"

According to the source, there existed an application for smartphones people could download that told the current price on bribes of all kind of government services.

Western Embassy A in Moscow

Living conditions

Residence permit & access to labour market

People from the former Soviet republics that wish to work in Russia must apply for a Patent¹⁹¹. This is relatively expensive for many migrant workers. The price differs from area to area, but might be as much as RUB 4,000 a month. Citizens of the following countries are exempted from the requirement; Armenia, Kazakhstan, Belarus and Kyrgyzstan.

All foreigners, including migrant workers, must register at the local police within seven days after arrival. An unknown number of migrant workers do, for different reasons, not register. Some do not know about this requirement, others claim that authorities are not giving clear information or that the rules are inconsistent.

The source has been told that some house owners are reluctant to register the migrant workers, because this implied taking responsibility for the registrants. Consequently, many migrant workers are living under the radar. Furthermore, migrant workers are often stopped in police controls and ID checks and some say they bribe the police to avoid deportation.

If a migrant worker leaves the Russia for longer periods (six months or more), his registration will no longer be valid. He must then apply again for a residence permit and such applications will be handled as a first-time application.

The duration of the Patent varies from one to 12 months, and it may be extended for further 12 months. The field and place of work are written on the card and it is not possible to change.

Access to health services

Migrants that stay illegally only have access to basic (acute) medical assistance.

The source thinks that if migrants do not have a registration, access to health services will be difficult. But people make use of their unofficial personal (often related to nationality) networks. Bribes were also used to get access to medicine and health services. Finally there were some Russian Human Rights NGOs, who provide legal services to secure the rights of migrants.

Access to education

All children should have access to education, but the source has heard of cases where children were denied access to school, because the parents were not registered.

Protection from refoulement

According to sources that the embassy has talked to, Russia deports people to all countries. However, when the involved person appeals, the court will consider the cases and often delay or halt the deportation.

¹⁹¹ Patent = work permit

If people have been given temporary asylum status, they will be protected in the period their status is upheld. However, when the status expires, they may be deported.

According to sources the embassy has talked to, a low number of people received asylum status. If people got refused asylum, they will be taken to temporary deportation facilities. If the applicants had no identification or travel documents, they might be stuck at the detention facilities for a prolonged time period.

Some apply for temporary asylum status, but the case-processing times are relatively long. Some people claim that they were not allowed to apply for asylum.

According to unofficial numbers the Embassy has received from a person in their network, 948 applied for asylum in Russia in 2016, 39 was granted asylum. In the period of 2011-2015 approximately 900 was granted asylum in total.

Hate crimes

The source noted that hate crimes are happening in Russia. A recent report states that violence against migrants is decreasing.

The embassy has heard of victims of hate crimes that don't report crimes to the police due to lack of confidence in the authorities.

Western Embassy B in Moscow

Hate Crimes

The Embassy has had reports from people originated from Africa, who had been victims of hate crimes in Russia. However, there had not been so many referrals lately.

There has been a long history of Africans who went to Russia for studies. In the 1990's, after the fall of the Soviet Union, the control of the influx of migrants and the residing students was not effective. The consequence was that in 2016-17 there were a number of second generation Africans in Russia. They often originated from Sudan and Somalia together with the francophone countries of Africa. Many of the former students had become Russian citizens, either through marriage or other simplified procedures.

Even though they spoke fluent Russian, they would not go to the police if they were victims of hate crimes. However, this was due to social reasons similar to how ethnic Russians would regard the police. So an educated doctor of African origin or Russian origin would probably more often go to the police in contrast to a factory worker of either Russian or African origin.

While acts of racism certainly occur, the source opined that the Russians in general respected Africans. This was partly due to the fact that Russia and the African countries all in all did not have bad historical relations.

According to the Embassy, it was not difficult for the population of some African countries to get visa to Russia. In this context, organised criminal organisations exploited many Africans who wished to migrate to Europe. People arrived in Russia, either believing they already reached Europe, or they were promised to be smuggled to Europe from Russia. In the meanwhile, they were being installed in so-called "safe-houses," typically in Moscow, where they often were being subject to mistreatment. Some of them stay in Russia; some were smuggled to Ukraine, which the traffickers told them was Germany.

Living conditions

There were different rules for the various CIS countries. Citizens from Armenia, Belarus and Kyrgyzstan could work without a permit. They did not need a Patent¹⁹². People from Kazakhstan and Uzbekistan were treated differently.

Migrants could live under the radar of the authorities for many years. For instance, this had been the case with Tajiks, who had their own community, who provided their own lawyers; they had their own medical centres. They even had their own NGOs.

Every nationality had their own local communities in the big cities, which provided help within the community. This was especially the case with communities from Central Asia and the South Caucasus.

In Moscow migrant workers either got through legal channels or pay bribes. However, regarding Armenians the source opined that Armenians would likely live in Russia legally. In general Georgians and Armenians conducted themselves more like Russians.

¹⁹² Patent = work permit

According to the source, parents needed a registration for children to be enrolled in schools. Without registration, there was no access.

Citizenship

There were many Armenians living in Russia with Russian passports. Many Armenian refugees had obtained Russian citizenship. Many of these fulfilled the legal requirements, but there were some who lived under the radar of the authorities. Moreover, the Embassy also saw a number of Syrians who had obtained Russian citizenship by naturalisation.

A person, who wanted a Russian citizenship, had to renounce their other citizenship. However, in practise they did not need to renounce their previous citizenship. On the other hand, a person needed to register, if they had another citizenship.

A foreigner could apply for Russian citizenship after residing in Russia for no less than five years. A person could prove their legal stay in Russia by prolonging a registration of place of stay¹⁹³ for approximately five years and subsequently get Russian citizenship. Persons married to Russians could apply for Russian citizenship through a simplified procedure in which case it would take 3 years to obtain citizenship.

Regarding parents without citizenship, the source noted that according to Article 12 (r) of the Russian Federal Law on Citizenship from 2002 “a child whose both parents are foreign citizens or stateless persons would obtain the citizenship of the Russian Federation provided that he/she was born on the Russian Federation territory and the states whose citizens are his/her parents are have not granted their citizenship to the child”.

Loss of citizenship

It was not possible for the authorities to renounce a Russian citizenship like in the Soviet Union. It was only the person him/herself, who can renounce a Russian citizenship. However, this could be a long and difficult process full of complications. This was mostly because the authorities did not want young men to avoid military draft. There was an official procedure, where the so-called recruitment office (military commissariat¹⁹⁴) would summon people. Furthermore, the Russian Constitution prohibits extradition of Russian citizens.

Protection from Refoulement

According to the source, question of extradition of CIS countries citizens was regulated by the Minsk Convention of 1993.

The Embassy advised that if a person had been granted asylum in Russia, they would in principle not be subjected to deportation. However, this was due to Russian rules, not necessary because of the commitment to the Refugee Convention. In general, if a crime had been committed, extradition could happen if the punishment was the same (in their country of origin?). However, if the punishment was not the same, an extradition could still happen.

¹⁹³ In Russian called Registratsiya po Mestu prebyvaniya (Регистрация по Месту пребывания)

¹⁹⁴ In Russian called Voenny Komissariat (Военный Комиссариат)

When asked who and how the Russian authorities would flag a person, the Embassy replied that there existed three levels of flagging a person.

1. A local (regional) level, where the local authorities had a criminal database
2. A federal level
3. an international level

If the Republic of Chechnya wanted to flag a person nationwide, the Chechen authorities had to put the person in question on a warrant list which had to go through official channels. When this is done the person could not buy a train ticket, acquire any official documents without making the Russian authorities aware. However, the question in this regard would be, whether the Chechen authorities would use official channels at all.